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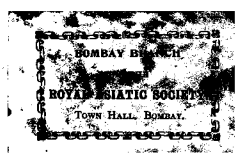

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THE

HISTORY

OF

England,

FROM THE

INVASION OF JULIUS CÆSAR

TO THE

30398

REVOLUTION IN 1688,

BY

David Hume.

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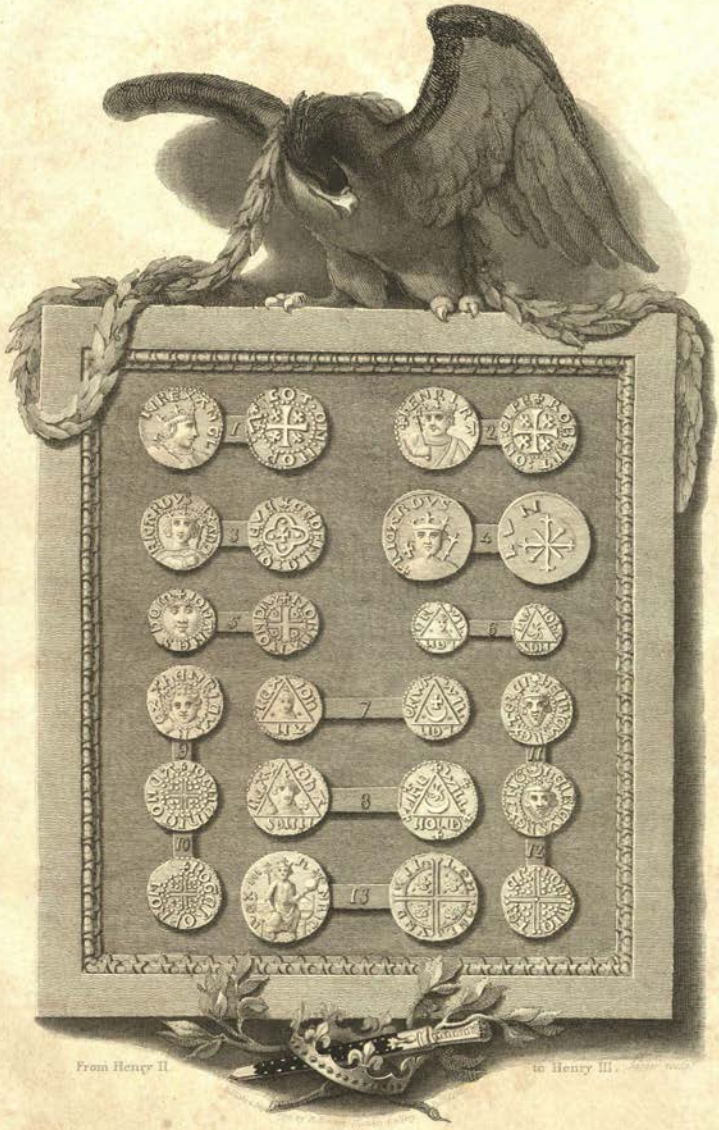
HENRY & LEWIS CONDUCTING THE POPE TO THE CASTLE OF TORCI.

HENRY II

CHAP. VIII & IX.

STATE OF EUROPE: OF FRANCE: THOMAS A BECKET ARCHBISHOP OF CANTERBURY: QUARREL BETWEEN THE KING & BECKET: CONSTITUTION OF CLARENDON: BECKET'S MURDER: GRIEF & SUBMISSION OF THE KING.— STATE OF IRELAND: CONQUEST OF THAT ISLAND: REVOLT OF YOUNG HENRY & HIS BROTHERS: WAR WITH SCOTLAND: PENANCE OF HENRY FOR BECKETS MURDER: CRUSADES: REVOLT OF PRINCE RICHARD: DEATH AND CHARACTER OF HENRY.

THE STUART LINE RESTORED


From Henry II
to Henry III.

CHAPTER VIII.

HENRY II.

1154....1189.

STATE OF EUROPE....OF FRANCE....FIRST ACTS OF HENRY'S GOVERNMENT....CIVIL AND ECCLESIASTICAL CONTEST....BECKET, ARCHBISHOP OF CANTERBURY....QUARREL BETWEEN THE KING AND BECKET....CONSTITUTIONS OF CLARENDON....BANISHMENT OF BECKET....COMPROMISE WITH HIM, AND HIS RETURN....HIS MURDER....GRIEF AND SUBMISSION OF THE KING.

STATE OF EUROPE.

THE extenſive confederacies, by which the European potentates are now at once united and ſet in oppoſition to each other, and which, though they are apt to diffuſe the leaſt ſpark of diſſenſion throughout the whole, are at leaſt attended with this advantage, that they prevent any violent revolutions or conqueſts in particular ſtates, were totally unknown in ancient ages; and the theory of foreign politics in each kingdom formed a ſpeculation much leſs complicated and involved than at preſent. Commerce had not yet bound together the moſt diſtant nations in ſo cloſe a chain; wars, finiſhed in one campaign, and often in one battle, were little affected by the movements of remote

ſtates; the imperfect communication among the kingdoms, and their ignorance of each other's ſituation, made it impracticable for a great number of them to combine in one project or effort; and, above all, the turbulent ſpirit and independent ſituation of the barons or great vaſſals in each ſtate gave ſo much occupation to the ſovereign, that he was obliged to confine his attention chiefly to his own ſtate and his own ſyſtem of government, and was more indifferent about what paſſed among his neighbours. Religion alone, not politics, carried abroad the views of princes; while it either fixed their thoughts on the holy land, whoſe conqueſt and defence was deemed a point of common honour and intereſt, or engaged them in intrigues with the Roman pontiff, to whom they had yielded the direction of eccleſiaſtical affairs, and who was every day aſſuming more authority than they were willing to allow him.

Before the conqueſt of England by the duke of Normandy, this iſland was as much ſeparated from the reſt of the world in politics as in ſituation; and, except from the inroads of the Daniſh pirates, the Engliſh, happily confined at home, had neither enemies nor allies on the continent. The foreign dominions of William connected them with the king and great vaſſals of France; and, while the oppoſite pretenſions of the pope and emperor in Italy produced a continual intercourſe between Germany and that country, the two great monarchs of France and England formed, in another part of Europe, a ſeparate ſyſtem, and carried on their wars and negociations, without meeting either with oppoſition or ſupport from the others.

STATE OF FRANCE.

On the decline of the Carlovingian race, the nobles in every province of France, taking advantage of the weakneſs of the

ſovereign, and obliged to provide each for his own defence againſt the ravages of the Norman freebooters, had aſſumed, both in civil and military affairs, an authority almoſt independent, and had reduced within very narrow limits the prerogative of their princes. The acceſſion of Hugh Capet, by annexing a great fief to the crown, had brought ſome addition to the royal dignity; but this fief, though conſiderable for a ſubject, appeared a narrow baſis of power for a prince who was placed at the head of ſo great a community. The royal demeſnes conſiſted only of Paris, Orleans, Eſtampes, Compiegne, and a few places ſcattered over the northern provinces; in the reſt of the kingdom the prince's authority was rather nominal than real. The vaſſals were accuſtomed, nay entitled, to make war without his permiſſion on each other; they were even entitled, if they conceived themſelves injured, to turn their arms againſt their ſovereign; they exerciſed all civil juriſdiction, without appeal, over their tenants and inferior vaſſals; their common jealouſy of the crown eaſily united them againſt any attempt on their exorbitant privileges; and, as ſome of them had attained the power and authority of great princes, even the ſmalleſt baron was ſure of immediate and effectual protection. Beſides ſix eccleſiaſtical peerages, which, with the other immunities of the church, cramped extremely the general execution of juſtice, there were ſix lay peerages; Burgundy, Normandy, Guienne, Flanders, Toulouſe, and Champagne; which formed very extenſive and puiſſant ſovereignties. And, though the combination of all thoſe princes and barons could, on urgent occaſions, muſter a mighty power, yet was it very difficult to ſet that great machine in movement; it was almoſt impoſſible to preſerve harmony in its parts; a ſenſe of common intereſt alone could, for a time, unite them under their ſovereign againſt a common enemy: but, if the king attempted to turn the force of the

community againſt any mutinous vaſſal, the ſame ſenſe of common intereſt made the others oppoſe themſelves to the ſucceſs of his pretenſions. Lewis the Groſs, the laſt ſovereign, marched at one time to his frontiers againſt the Germans at the head of an army of two hundred thouſand men; but a petty lord of Corbeil, of Puiſet, of Couci, was able, at another period, to ſet that prince at defiance, and to maintain open war againſt him.

The authority of the Engliſh monarch was much more extenſive within his kingdom, and the diſproportion much greater between him and the moſt powerful of his vaſſals. His demeſnes and revenue were large, compared to the greatneſs of his ſtate; he was accuſtomed to levy arbitrary exactions on his ſubjects; his courts of judicature extended their juriſdiction into every part of the kingdom; he could cruſh by his power, or by a judicial ſentence, well or ill founded, any obnoxious baron; and, though the feudal inſtitutions which prevailed in his kingdom had the ſame tendency as in other ſtates, to exalt the ariſtocracy and depreſs the monarchy, it required in England, according to its preſent conſtitution, a great combination of the vaſſals to oppoſe their ſovereign lord; and there had not hitherto ariſen any baron ſo powerful as of himſelf to levy war againſt the prince, and to afford protection to the inferior barons.

While ſuch were the different ſituations of France and England, and the latter enjoyed ſo many advantages above the former, the acceſſion of Henry II. a prince of great abilities, poſſeſſed of ſo many rich provinces on the continent, might appear an event dangerous, if not fatal, to the French monarchy, and ſufficient to break entirely the balance between the ſtates. He was maſter, in the right of his father, of Anjou and Touraine; in that of his mother, of Normandy and Maine; in that of his wife, of Guienne, Poictou, Xaintogne, Auvergne, Perigord,

Angoumois, the Limouſin. He ſoon after annexed Brittany to his other ſtates, and was already poſſeſſed of the ſuperiority over that province; which, on the firſt ceſſion of Normandy to Rollo the Dane, had been granted by Charles the Simple in vaſſalage to that formidable ravager. Theſe provinces compoſed above a third of the whole French monarchy, and were much ſuperior in extent and opulence to thoſe territories which were ſubjected to the immediate juriſdiction and government of the king. The vaſſal was here more powerful than his liege lord. The ſituation which had enabled Hugh Capet to depoſe the Carlovingian princes ſeemed to be renewed, and that with much greater advantages on the ſide of the vaſſal; and, when England was added to ſo many provinces, the French king had reaſon to apprehend, from this conjuncture, ſome great diſaſter to himſelf and to his family: but, in reality, it was this circumſtance, which appeared ſo formidable, that ſaved the Capetian race, and by its conſequences exalted them to that pitch of grandeur which they at preſent enjoy.

The limited authority of the prince in the feudal conſtitutions prevented the king of England from employing with advantage the force of ſo many ſtates, which were ſubjected to his government; and theſe different members, disjoined in ſituation, and diſagreeing in laws, language, and manners, were never thoroughly cemented into one monarchy. He ſoon became, both from his diſtant place of reſidence, and from the incompatibility of intereſts, a kind of foreigner to his French dominions; and his ſubjects on the continent conſidered their allegiance as more naturally due to their ſuperior lord, who lived in their neighbourhood, and who was acknowledged to be the ſupreme head of their nation. He was always at hand to invade them; their immediate lord was often at too great a diſtance to protect them; and any diſorder in any part of his diſperſed dominions gave

advantages againſt him. The other powerful vaſſals of the French crown were rather pleaſed to ſee the expulſion of the Engliſh, and were not affected with that jealouſy which would have ariſen from the oppreſſion of a co-vaſſal who was of the ſame rank with themſelves. By this means the king of France found it more eaſy to conquer thoſe numerous provinces from England than to ſubdue a duke of Normandy or Guienne, a count of Anjou, Maine, or Poictou. And, after reducing ſuch extenſive territories, which immediately incorporated with the body of the monarchy, he found greater facility in uniting to the crown the other great fiefs which ſtill remained ſeparate and independent.

But, as theſe important conſequences could not be foreſeen by human wiſdom, the king of France remarked with terror the riſing grandeur of the houſe of Anjou or Plantagenet; and, in order to retard its progreſs, he had ever maintained a ſtrict union with Stephen, and had endeavoured to ſupport the tottering fortunes of that bold uſurper. But after this prince's death it was too late to think of oppoſing the ſucceſſion of Henry, or preventing the performance of thoſe ſtipulations which, with the unanimous conſent of the nation, he had made with his predeceſſor. The Engliſh, haraſſed with civil wars, and diſguſted with the bloodſhed and depredations which, during the courſe of ſo many years, had attended them, were little diſpoſed to violate their oaths by excluding the lawful heir from the ſucceſſion of their monarchy.[d] Many of the moſt conſiderable fortreſſes were in the hands of his partiſans; the whole nation had had occaſion to ſee the noble qualities with which he was endowed,[e] and to compare them with the mean talents of William, the ſon of Stephen; and, as they were acquainted with his great power, and were rather pleaſed to ſee the acceſſion of ſo many foreign dominions to the crown of England, they never entertained the

leaſt thoughts of reſiſting them. Henry himſelf, ſenſible of the advantages attending his preſent ſituation, was in no hurry to arrive in England; and, being engaged in the ſiege of a caſtle on the frontiers of Normandy, when he received intelligence of Stephen's death, he made it a point of honour not to depart from his enterpriſe till he had brought it to an iſſue. He then ſet out on his journey, and was received in England with the acclamations of all orders of men, who ſwore with pleaſure the oath of fealty and allegiance to him.

FIRST ACTS OF HENRY'S GOVERNMENT. 1155.

THE firſt act of Henry's government correſponded to the high idea entertained of his abilities, and prognoſticated the reeſtabliſhment of juſtice and tranquillity, of which the kingdom had ſo long been bereaved. He immediately diſmiſſed all thoſe mercenary ſoldiers who had committed great diſorders in the nation; and he ſent them abroad, together with William of Ypres their leader, the friend and confident of Stephen.[f] He revoked all the grants made by his predeceſſor,[g] even thoſe which neceſſity had extorted from the empreſs Matilda; and that princeſs, who had reſigned her rights in favour of Henry, made no oppoſition to a meaſure ſo neceſſary for ſupporting the dignity of the crown. He repaired the coin, which had been extremely debaſed during the reign of his predeceſſor; and he took proper meaſures againſt a return of the like abuſe.[h] He was rigorous in the execution of juſtice, and in the ſuppreſſion of robbery and violence; and, that he might reſtore authority to the laws, he cauſed all the new erected caſtles to be demoliſhed, which had proved ſo many ſanctuaries to freebooters and rebels.[i] The earl of Albemarle, Hugh Mortimer, and Roger the ſon of Milo of Gloceſter, were inclined to make ſome reſiſtance to this ſalu-

tary meaſure; but the approach of the king with his forces ſoon obliged them to ſubmit.

Every thing being reſtored to full tranquillity in England, Henry went abroad in order to oppoſe the attempts of his brother Geoffrey; who, during his abſence, had made an incurſion into Anjou and Maine, had advanced ſome pretenſions to thoſe provinces, and had got poſſeſſion of a conſiderable part[k] of them. On the king's appearance the people returned to their allegiance; and Geoffrey, reſigning his claim for an annual penſion of a thouſand pounds, departed and took poſſeſſion of the county of Nantz, which the inhabitants, who had expelled count Hoel their prince, had put into his hands. Henry returned to England the following year. The incurſions of the Welſh then provoked him to make an invaſion upon them; where the natural faſtneſſes of the country occaſioned him great difficulties, and even brought him into danger. His vanguard, being engaged in a narrow paſs, was put to rout. Henry de Eſſex, the hereditary ſtandard bearer, ſeized with a panic, threw down the ſtandard, took to flight, and exclaimed that the king was ſlain; and, had not the prince immediately appeared in perſon, and led on his troops with great gallantry, the conſequence might have proved fatal to the whole army.[l] For this miſbehaviour Eſſex was afterwards accuſed of felony by Robert de Montfort; was vanquiſhed in ſingle combat; his eſtate was confiſcated, and he himſelf was thruſt into a convent.[m] The ſubmiſſions of the Welſh procured them an accommodation with England.

The martial diſpoſition of the princes in that age engaged them to head their own armies in every enterpriſe, even the moſt frivolous; and their feeble authority made it commonly impracticable for them to delegate, on occaſion, the command to their generals. Geoffrey, the king's brother, died ſoon after he had acquired poſſeſſion of Nantz. Though he had no other

title to that county than the voluntary ſubmiſſion or election of the inhabitants two years before, Henry laid claim to the territory as devolved to him by hereditary right; and he went over to ſupport his pretenſions by force of arms. Conan, duke or earl of Brittany (for theſe titles are given indifferently by hiſtorians to thoſe princes), pretended that Nantz had been lately ſeparated by rebellion from his principality, to which of right it belonged; and immediately on Geoffrey's death he took poſſeſſion of the diſputed territory. Leſt Lewis the French king ſhould interpoſe in the controverſy, Henry paid him a viſit, and ſo illured him by careſſes and civilities, that an alliance was contracted between them; and they agreed that young Henry, heir to the Engliſh monarchy, ſhould be affianced to Margaret of France; though the former was only five years of age, the latter was ſtill in her cradle. Henry, now ſecure of meeting with no interruption on this ſide, advanced with his army into Brittany; and Conan, in deſpair of being able to make reſiſtance, delivered up the county of Nantz to him. The able conduct of the king procured him farther and more important advantages from this incident. Conan, haraſſed with the turbulent diſpoſition of his ſubjects, was deſirous of procuring to himſelf the ſupport of ſo great a monarch; and he betrothed his daughter and only child, yet an infant, to Geoffrey the king's third ſon, who was of the ſame tender years. The duke of Brittany died about ſeven years after; and Henry, being meſne lord, and alſo natural guardian to his ſon and daughter-in-law, put himſelf in poſſeſſion of that principality, and annexed it for the preſent to his other great dominions.

The king had a proſpect of making ſtill farther acquiſitions; and the activity of his temper ſuffered no opportunity of that kind to eſcape him. Philippa, ducheſs of Guienne, mother of queen Eleanor, was the only iſſue of William IV. count of Tou-

louſe; and would have inherited his dominions, had not that prince, deſirous of preſerving the ſucceſſion in the male line, conveyed the principality to his brother Raymond de St. Gilles by a contract of ſale, which was in that age regarded as fictitious and illuſory. By this means the title to the county of Toulouſe came to be diſputed between the male and female heirs; and the one or the other, as opportunities favoured them, had obtained poſſeſſion. Raymond, grandſon of Raymond de St. Gilles, was the reigning ſovereign; and on Henry's reviving his wife's claim this prince had recourſe for protection to the king of France, who was ſo much concerned in policy to prevent the farther aggrandizement of the Engliſh monarch. Lewis himſelf, when married to Eleanor, had aſſerted the juſtice of her claim, and had demanded poſſeſſion of Toulouſe;[n] but, his ſentiments changing with his intereſt, he now determined to defend by his power and authority the title of Raymond. Henry found that it would be requiſite to ſupport his pretenſions againſt potent antagoniſts, and that nothing but a formidable army could maintain a claim which he had in vain aſſerted by arguments and manifeſtos.

An army compoſed of feudal vaſſals was commonly very intractable and undiſciplined, both becauſe of the independent ſpirit of the perſons who ſerved in it, and becauſe the commands were not given, either by the choice of the ſovereign, or from the military capacity and experience of the officers. Each baron conducted his own vaſſals; his rank was greater or leſs, proportioned to the extent of his property; even the ſupreme command under the prince was often attached to birth; and, as the military vaſſals were obliged to ſerve only forty days at their own charge, (though, if the expedition were diſtant, they were put to great expenſe) the prince reaped little benefit from their attendance. Henry, ſenſible of theſe inconveniencies, levied upon

his vaſſals in Normandy, and other provinces which were remote from Toulouſe, a ſum of money in lieu of their ſervice; and this commutation, by reaſon of the great diſtance, was ſtill more advantageous to his Engliſh vaſſals. He impoſed, therefore, a ſcutage of one hundred and eighty thouſand pounds on the knight's fees; a commutation to which, though it was unuſual, and the firſt perhaps to be met with in hiſtory,[o] the military tenants willingly ſubmitted: and with this money he levied an army which was more under his command, and whoſe ſervice was more durable and conſtant. Aſſiſted by Berenger count of Barcelona, and Trincaval count of Niſmes, whom he had gained to his party, he invaded the county of Toulouſe; and, after taking Verdun, Caſtlenau, and other places, he beſieged the capital of the province, and was likely to prevail in the enterpriſe; when Lewis, advancing before the arrival of his main body, threw himſelf into the place with a ſmall reinforcement. Henry was urged by ſome of his miniſters to proſecute the ſiege, to take Lewis priſoner, and to impoſe his own terms in the pacification; but he either thought it ſo much his intereſt to maintain the feudal principles, by which his foreign dominions were ſecured, or bore ſo much reſpect to his ſuperior lord, that he declared he would not attack a place defended by him in perſon; and he immediately raiſed the ſiege.[p] He marched into Normandy to protect that province against an incurſion which the count of Dreux, inſtigated by king Lewis his brother, had made upon it. War was now openly carried on between the two monarchs, but produced no memorable event: it ſoon ended in a ceſſation of arms, and that followed by a peace; which was not, however, attended with any confidence or good correſpondence between thoſe rival princes. The fortreſs of Giſors, being part of the dowry ſtipulated to Margaret of France, had been conſigned by agreement to the knights templars, on condition

that it ſhould be delivered into Henry's hands after the celebration of the nuptials. The king, that he might have a pretence for immediately demanding the place, ordered the marriage to be ſolemnized between the prince and princeſs, though both infants;[q] and he engaged the grand maſter of the templars, by large preſents, as was generally ſuſpected, to put him in poſſeſſion of Giſors.[r] Lewis, reſenting this fraudulent conduct, baniſhed the templars, and would have made war upon the king of England, had it not been for the mediation and authority of pope Alexander III. who had been chaſed from Rome by the antipope Victor IV. and reſided at that time in France. That we may form an idea of the authority poſſeſſed by the Roman pontiff during thoſe ages, it may be proper to obſerve that the two kings had, the year before, met the pope at the caſtle of Torci on the Loir; and they gave him ſuch marks of reſpect, that both diſmounted to receive him, and, holding each of them one of the reins of his bridle, walked on foot by his ſide, and conducted him in that ſubmiſſive manner into the caſtle.[s] 'A ſpectacle,' cries Baronius in an ecſtaſy, 'to God, angels, and men; and ſuch as had never before been exhibited to the world!'

Henry, ſoon after he had accommodated his differences with Lewis by the pope's mediation, returned to England; where he commenced an enterpriſe, which, though required by ſound policy, and even conducted in the main with prudence, bred him great diſquietude, involved him in danger, and was not concluded without ſome loſs and diſhonour.

CIVIL AND ECCLESIASTICAL CONTEST. 1162.

THE uſurpations of the clergy, which had at firſt been gradual, were now become ſo rapid, and had mounted to ſuch a height, that the conteſt between the regale and pontificale was really

arrived at a criſis in England; and it became neceſſary to determine whether the king or the prieſts, particularly the archbiſhop of Canterbury, ſhould be ſovereign of the kingdom.[t] The aſpiring ſpirit of Henry, which gave inquietude to all his neighbours, was not likely long to pay a tame ſubmiſſion to the encroachments of ſubjects; and, as nothing opens the eyes of men ſo readily as their intereſt, he was in no danger of falling, in this reſpect, into that abject ſuperſtition which retained his people in ſubjection. From the commencement of his reign, in the government of his foreign dominions as well as of England, he had ſhewn a fixed purpoſe to repreſs clerical uſurpations, and to maintain thoſe prerogatives which had been tranſmitted to him by his predeceſſors. During the ſchiſm of the papacy between Alexander and Victor, he had determined, for ſome time, to remain neuter; and, when informed that the archbiſhop of Rouen and the biſhop of Mans had, from their own authority, acknowledged Alexander as legitimate pope, he was ſo enraged that, though he ſpared the archbiſhop on account of his great age, he immediately iſſued orders for overthrowing the houſes of the biſhop of Mans and archdeacon of Rouen;[u] and it was not till he had deliberately examined the matter, by thoſe views which uſually enter into the councils of princes, that he allowed that pontiff to exerciſe authority over any of his dominions. In England, the mild character and advanced years of Theobald, archbiſhop of Canterbury, together with his merits in refuſing to put the crown on the head of Euſtace, ſon of Stephen, prevented Henry, during the lifetime of that primate, from taking any meaſures againſt the multiplied encroachments of the clergy: but after his death the king reſolved to exert himſelf with more activity; and, that he might be ſecure againſt any oppoſition, he advanced to that dignity Becket, his chancellor, on whoſe compliance he thought he could entirely depend.

BECKET, ARCHBISHOP OF CANTERBURY.

THOMAS a Becket, the firſt man of Engliſh deſcent who, ſince the Norman conqueſt, had, during the courſe of a whole century, riſen to any conſiderable ſtation, was born of reputable parents in the city of London; and, being endowed both with induſtry and capacity, he early inſinuated himſelf into the favour of archbiſhop Theobald, and obtained from that prelate ſome preferments and offices. By their means he was enabled to travel for improvement to Italy, where he ſtudied the civil and canon law at Bologna; and on his return he appeared to have made ſuch proficiency in knowledge, that he was promoted by his patron to the archdeaconry of Canterbury, an office of conſiderable truſt and profit. He was afterwards employed with ſucceſs by Theobald in tranſacting buſineſs at Rome; and on Henry's acceſſion he was recommended to that monarch as worthy of farther preferment. Henry, who knew that Becket had been inſtrumental in ſupporting that reſolution of the archbiſhop which had tended ſo much to facilitate his own advancement to the throne, was already prepoſſeſſed in his favour; and, finding, on farther acquaintance, that his ſpirit and abilities entitled him to any truſt, he ſoon promoted him to the dignity of chancellor, one of the firſt civil offices in the kingdom. The chancellor, in that age, beſides the cuſtody of the great ſeal, had poſſeſſion of all vacant prelacies and abbies; he was the guardian of all ſuch minors and pupils as were the king's tenants; all baronies which eſcheated to the crown were under his adminiſtration; he was entitled to a place in council, even though he were not particularly ſummoned; and, as he exerciſed alſo the office of ſecretary of ſtate, and it belonged to him to counterſign all commiſſions, writs, and letters patent, he was

a kind of prime miniſter, and was concerned in the diſpatch of every buſineſs of importance.[w] Beſides exerciſing this high office, Becket, by the favour of the king or archbiſhop, was made provoſt of Beverley, dean of Haſtings, and conſtable of the Tower; he was put in poſſeſſion of the honours of Eye and Berkham, large baronies that had eſcheated to the crown; and, to complete his grandeur, he was intruſted with the education of prince Henry, the king's eldeſt ſon, and heir of the monarchy.[x] The pomp of his retinue, the ſumptuouſneſs of his furniture, the luxury of his table, the munificence of his preſents, correſponded to theſe great preferments; or rather exceeded any thing that England had ever before ſeen in any ſubject. His hiſtorian and ſecretary, Fitz-Stephens,[y] mentions, among other particulars, that his apartments were every day in winter covered with clean ſtraw or hay, and in ſummer with green ruſhes or boughs; leſt the gentlemen who paid court to him, and who could not, by reaſon of their great number, find a place at table, ſhould ſoil their fine clothes by ſitting on a dirty floor.[z] A great number of knights were retained in his ſervice; the greateſt barons were proud of being received at his table; his houſe was a place of education for the ſons of the chief nobility; and the king himſelf frequently vouchſafed to partake of his entertainments. As his way of life was ſplendid and opulent, his amuſements and occupations were gay, and partook of the cavalier ſpirit; which, as he had only taken deacon's orders, he did not think unbefitting his character. He employed himſelf at leiſure hours in hunting, hawking, gaming, and horſemanſhip; he expoſed his perſon in ſeveral military actions;[a] he carried over, at his own charge, ſeven hundred knights, to attend the king in his wars at Toulouſe; in the ſubſequent wars on the frontiers of Normandy he maintained, during forty days, twelve hundred knights, and four thouſand of their train;[b] and in an embaſſy to France, with

which he was intruſted, he aſtoniſhed that court by the number and magnificence of his retinue.

Henry, beſides committing all his more important buſineſs to Becket's management, honoured him with his friendſhip and intimacy; and, whenever he was diſpoſed to relax himſelf by ſports of any kind, he admitted his chancellor to the party.[c] An inſtance of their familiarity is mentioned by Fitz-Stephens, which, as it ſhews the manners of the age, it may not be improper to relate. One day, as the king and the chancellor were riding together in the ſtreets of London, they obſerved a beggar who was ſhivering with cold. 'Would it not be very praiſeworthy,' ſaid the king, 'to give that poor man a warm coat in this ſevere ſeaſon?' 'It would, ſurely,' replied the chancellor; 'and you do well, ſir, in thinking of ſuch good actions.' 'Then he ſhall have one preſently,' cried the king; and, ſeizing the ſkirt of the chancellor's coat, which was ſcarlet, and lined with ermine, began to pull it violently. The chancellor defended himſelf for ſome time, and they had both of them like to have tumbled off their horſes in the ſtreet; when Becket, after a vehement ſtruggle, let go his coat, which the king beſtowed on the beggar; who, being ignorant of the quality of the perſons, was not a little ſurpriſed at the preſent.[d]

Becket, who by his complaiſance and good humour had rendered himſelf agreeable, and by his induſtry and abilities uſeful, to his maſter, appeared to him the fitteſt perſon for ſupplying the vacancy made by the death of Theobald. As he was well acquainted with the king's intentions [e] of retrenching, or rather confining within the ancient bounds, all eccleſiaſtical privileges, and always ſhewed a ready diſpoſition to comply with [f] them, Henry, who never expected any reſiſtance from that quarter, immediately iſſued orders for electing him archbiſhop of Canterbury. But this reſolution, which was taken contrary to the

opinion of Matilda and many of the miniſters,[g] drew after it very unhappy conſequences; and never prince of ſo great penetration appeared in the iſſue to have ſo little underſtood the genius and character of his miniſter.

No ſooner was Becket inſtalled in this high dignity, which rendered him for life the ſecond perſon in the kingdom, with ſome pretenſions of aſpiring to be the firſt, than he totally altered his demeanour and conduct, and endeavoured to acquire the character of ſanctity, of which his former buſy and oſtentatious courſe of life might, in the eyes of the people, have naturally bereaved him. Without conſulting the king, he immediately returned into his hands the commiſſion of chancellor; pretending that he muſt thenceforth detach himſelf from ſecular affairs, and be ſolely employed in the exerciſe of his ſpiritual function; but, in reality, that he might break off all connexions with Henry, and appriſe him that Becket, as primate of England, was now become entirely a new perſonage. He maintained, in his retinue and attendants alone, his ancient pomp and luſtre, which was uſeful to ſtrike the vulgar; in his own perſon he affected the greateſt auſterity and moſt rigid mortification, which he was ſenſible would have an equal or a greater tendency to the ſame end. He wore ſackcloth next his ſkin; which, by his affected care to conceal it, was neceſſarily the more remarked by all the world: he changed it ſo ſeldom, that it was filled with dirt and vermin: his uſual diet was bread; his drink water, which he even rendered farther unpalatable by the mixture of unſavoury herbs: he tore his back with the frequent diſcipline which he inflicted on it: he daily on his knees waſhed, in imitation of Chriſt, the feet of thirteen beggars, whom he afterwards diſmiſſed with preſents:[h] he gained the affections of the monks by his frequent charities to the convents and hoſpitals: every one who made profeſſion of ſanctity was admitted

to his converſation, and returned full of panegyrics on the humility, as well as on the piety and mortification, of the holy primate: he ſeemed to be perpetually employed in reciting prayers and pious lectures, or in peruſing religious diſcourſes: his aſpect wore the appearance of ſerioufneſs and mental recollection, and ſecret devotion: and all men of penetration plainly ſaw that he was meditating ſome great deſign, and that the ambition and oſtentation of his character had turned itſelf towards a new and more dangerous object.

QUARREL BETWEEN THE KING AND BECKET. 1163.

BECKET waited not till Henry ſhould commence thoſe projects againſt the eccleſiaſtical power which he knew had been formed by that prince: he was himſelf the aggreſſor, and endeavoured to overawe the king by the intrepidity and boldneſs of his enterpriſes. He ſummoned the earl of Clare to ſurrender the barony of Tunbridge, which ever ſince the conqueſt had remained in the family of that nobleman; but which, as it had formerly belonged to the ſee of Canterbury, Becket pretended his predeceſſors were prohibited by the canons to alienate. The earl of Clare, beſides the luſtre which he derived from the greatneſs of his own birth, and the extent of his poſſeſſions, was allied to all the principal families in the kingdom; his ſiſter, who was a celebrated beauty, had farther extended his credit among the nobility, and was even ſuppoſed to have gained the king's affections; and Becket could not better diſcover, than by attacking ſo powerful an intereſt, his reſolution of maintaining with vigour the rights, real or pretended, of his ſee.

William de Eynsford, a military tenant of the crown, was patron of a living which belonged to a manor that held of the archbiſhop of Canterbury; but Becket, without regard to Wil-

liam's right, preſented, on a new and legal pretext, one Laurence to that living, who was violently expelled by Eynsford. The primate, making himſelf, as was uſual in ſpiritual courts, both judge and party, iſſued, in a ſummary manner, the ſentence of excommunication againſt Eynsford; who complained to the king that he, who held in capite of the crown, ſhould, contrary to the practice eſtabliſhed by the Conqueror, and maintained ever ſince by his ſucceſſors, be ſubjected to that terrible ſentence without the previous conſent of the ſovereign.[k] Henry, who had now broken off all perſonal intercourſe with Becket, ſent him, by a meſſenger, his orders to abſolve Eynsford; but received for anſwer, that it belonged not to the king to inform him whom he ſhould abſolve and whom excommunicate.[l] And it was not till after many remonſtrances and menaces that Becket, though with the worſt grace imaginable, was induced to comply with the royal mandate.

Henry, though he found himſelf thus grievouſly miſtaken in the character of the perſon whom he had promoted to the primacy, determined not to deſiſt from his former intention of retrenching clerical uſurpations. He was entirely maſter of his extenſive dominions; the prudence and vigour of his adminiſtration, attended with perpetual ſucceſs, had raiſed his character above that of any of his predeceſſors;[m] the papacy ſeemed to be weakened by a ſchiſm which divided all Europe; and he rightly judged that, if the preſent favourable opportunity were neglected, the crown muſt, from the prevalent ſuperſtition of the people, be in danger of falling into an entire ſubordination under the mitre.

The union of the civil and eccleſiaſtical power ſerves extremely, in every civilized government, to the maintenance of peace and order; and prevents thoſe mutual encroachments which, as there can be no ultimate judge between them, are

often attended with the moſt dangerous conſequences. Whether the ſupreme magiſtrate, who unites theſe powers, receives the appellation of prince or prelate, is not material: the ſuperior weight, which temporal intereſts commonly bear in the apprehenſions of men above ſpiritual, renders the civil part of his character moſt prevalent; and in time prevents thoſe groſs impoſtures, and bigoted perſecutions, which in all falſe religions are the chief foundation of clerical authority. But, during the progreſs of eccleſiaſtical uſurpations, the ſtate, by the reſiſtance of the civil magiſtrate, is naturally thrown into convulſions; and it behoves the prince, both for his own intereſt and for that of the public, to provide in time ſufficient barriers againſt ſo dangerous and inſidious a rival. This precaution had hitherto been much neglected in England, as well as in other catholic countries; and affairs at laſt ſeemed to have come to a dangerous criſis. A ſovereign of the greateſt abilities was now on the throne; a prelate of the moſt inflexible and intrepid character was poſſeſſed of the primacy; the contending powers appeared to be armed with their full force; and it was natural to expect ſome extraordinary event to reſult from their conflict.

Among their other inventions to obtain money, the clergy had inculcated the neceſſity of penance as an atonement for ſin; and, having again introduced the practice of paying them large ſums as a commutation, or ſpecies of atonement, for the remiſſion of thoſe penances, the ſins of the people, by theſe means, had become a revenue to the prieſts; and the king computed that by this invention alone they levied more money upon his ſubjects than flowed, by all the funds and taxes, into the royal exchequer.[n] That he might eaſe the people of ſo heavy and arbitrary an impoſition, Henry required that a civil officer of his appointment ſhould be preſent in all eccleſiaſtical courts, and ſhould for the future give his conſent to every

compoſition which was made with ſinners for their ſpiritual offences.

The eccleſiaſtics in that age had renounced all immediate ſubordination to the magiſtrate; they openly pretended to an exemption in criminal accuſations from a trial before courts of juſtice, and were gradually introducing a like exemption in civil cauſes; ſpiritual penalties alone could be inflicted on their offences: and, as the clergy had extremely multiplied in England, and many of them were conſequently of very low characters, crimes of the deepeſt dye, murders, robberies, adulteries, rapes, were daily committed with impunity by the eccleſiaſtics. It had been found, for inſtance, on inquiry, that no leſs than a hundred murders had, ſince the king's acceſſion, been perpetrated by men of that profeſſion, who had never been called to account for theſe offences;[o] and holy orders were become a full protection for all enormities. A clerk in Worceſterſhire, having debauched a gentleman's daughter, had at this time proceeded to murder the father; and the general indignation againſt this crime moved the king to attempt the remedy of an abuſe which was become ſo palpable, and to require that the clerk ſhould be delivered up, and receive condign puniſhment from the magiſtrate.[p] Becket inſiſted on the privileges of the church; confined the criminal in the biſhop's priſon, leſt he ſhould be ſeized by the king's officers; maintained that no greater puniſhment could be inflicted on him than degradation; and, when the king demanded that immediately after he was degraded he ſhould be tried by the civil power, the primate aſſerted that it was iniquitous to try a man twice upon the ſame accuſation, and for the ſame offence.[q]

Henry, laying hold of ſo plauſible a pretence, reſolved to puſh the clergy with regard to all their privileges, which they had raiſed to an enormous height, and to determine at once thoſe

controverſies which daily multiplied between the civil and the eccleſiaſtical juriſdictions. He ſummoned an aſſembly of all the prelates of England; and he put to them this conciſe and deciſive queſtion, Whether or not they were willing to ſubmit to the ancient laws and cuſtoms of the kingdom? The biſhops unanimouſly replied that they were willing, ſaving their own order.[r] A device by which they thought to elude the preſent urgency of the king's demand, yet reſerve to themſelves, on a favourable opportunity, the power of reſuming all their pretenſions. The king was ſenſible of the artifice, and was provoked to the higheſt indignation. He left the aſſembly with viſible marks of his diſpleaſure; he required the primate inſtantly to ſurrender the honours and caſtles of Eye and Berkham. The biſhops were terrified, and expected ſtill farther effects of his reſentment. Becket alone was inflexible; and nothing but the interpoſition of the pope's legate and almoner, Philip, who dreaded a breach with ſo powerful a prince at ſo unſeaſonable a juncture, could have prevailed on him to retract the ſaving clauſe, and give a general and abſolute promiſe of obſerving the ancient cuſtoms.[s]

But Henry was not content with a declaration in theſe general terms; he reſolved, ere it was too late, to define expreſsly thoſe cuſtoms with which he required compliance, and to put a ſtop to clerical uſurpations before they were fully conſolidated, and could plead antiquity, as they already did a ſacred authority, in their favour. The claims of the church were open and viſible. After a gradual and inſenſible progreſs during many centuries, the maſk had at laſt been taken off; and ſeveral eccleſiaſtical councils, by their canons, which were pretended to be irrevocable and infallible, had poſitively defined thoſe privileges and immunities which gave ſuch general offence, and appeared ſo dangerous to the civil magiſtrate. Henry, therefore,

deemed it neceſſary to define with the ſame preciſion the limits of the civil power; to oppoſe his legal cuſtoms to their divine ordinances; to determine the exact boundaries of the rival juriſdictions; and for this purpoſe he ſummoned a general council of the nobility and prelates at Clarendon, to whom he ſubmitted this great and important queſtion.

CONSTITUTIONS OF CLARENDON. 1164.

THE barons were all gained to the king's party, either by the reaſons which he urged or by his ſuperior authority; the biſhops were overawed by the general combination againſt them; and the following laws, commonly called 'the Conſtitutions of Clarendon,' were voted without oppoſition by this aſſembly.' It was enacted that all ſuits concerning the advowſon and preſentation of churches ſhould be determined in the civil courts: that the churches belonging to the king's fee ſhould not be granted in perpetuity without his conſent: that clerks accuſed of any crime ſhould be tried in the civil courts: that no perſon, particularly no clergyman of any rank, ſhould depart the kingdom without the king's licenſe: that excommunicated perſons ſhould not be bound to give ſecurity for continuing in their preſent place of abode: that laics ſhould not be accuſed in ſpiritual courts, except by legal and reputable promoters and witneſſes: that no chief tenant of the crown ſhould be excommunicated, nor his lands be put under an interdict, except with the king's conſent: that all appeals in ſpiritual cauſes ſhould be carried from the archdeacon to the biſhop, from the biſhop to the primate, from him to the king; and ſhould be carried no farther without the king's conſent: that, if any law ſuit aroſe between a layman and a clergyman concerning a tenant, and it be diſputed whether the land be a lay or an eccleſiaſtical fee, it ſhould

firſt be determined by the verdict of twelve lawful men to what claſs it belonged; and, if it be found to be a lay fee, the cauſe ſhould finally be determined in the civil courts: that no inhabitant in demeſne ſhould be excommunicated for non-appearance in a ſpiritual court, till the chief officer of the place where he reſides be conſulted, that he may compel him by the civil authority to give ſatisfaction to the church: that the archbiſhops, biſhops, and other ſpiritual dignitaries, ſhould be regarded as barons of the realm; ſhould poſſeſs the privileges, and be ſubjected to the burdens, belonging to that rank; and ſhould be bound to attend the king in his great councils, and aſſiſt at all trials, till the ſentence, either of death or loſs of members, be given againſt the criminal: that the revenue of vacant ſees ſhould belong to the king; the chapter, or ſuch of them as he pleaſes to ſummon, ſhould ſit in the king's chapel till they made the new election with his conſent; and that the biſhop elect ſhould do homage to the crown: that, if any baron or tenant in capite ſhould refuſe to ſubmit to the ſpiritual courts, the king ſhould employ his authority in obliging him to make ſuch ſubmiſſions; if any of them throw off his allegiance to the king, the prelates ſhould aſſiſt the king with their cenſures in reducing him: that goods forfeited to the king ſhould not be protected in churches or churchyards: that the clergy ſhould no longer pretend to the right of enforcing payment of debts contracted by oath or promiſe; but ſhould leave theſe law ſuits, equally with others, to the determination of the civil courts: and that the ſons of villains ſhould not be ordained clerks without the conſent of their lord."

Theſe articles, to the number of ſixteen, were calculated to prevent the chief abuſes which had prevailed in eccleſiaſtical affairs, and to put an effectual ſtop to the uſurpations of the church; which, gradually ſtealing on, had threatened the total

deſtruction of the civil power. Henry, therefore, by reducing thoſe ancient cuſtoms of the realm to writing, and by collecting them in a body, endeavoured to prevent all future diſpute with regard to them; and, by paſſing ſo many eccleſiaſtical ordinances in a national and civil aſſembly, he fully eſtabliſhed the ſuperiority of the legiſlature above all papal decrees or ſpiritual canons, and gained a ſignal victory over the eccleſiaſtics. But, as he knew that the biſhops, though overawed by the preſent combination of the crown and the barons, would take the firſt favourable opportunity of denying the authority which had enacted theſe conſtitutions, he reſolved that they ſhould all ſet their ſeal to them, and give a promiſe to obſerve them. None of the prelates dared to oppoſe his will, except Becket; who, though urged by the earls of Cornwall and Leiceſter, the barons of principal authority in the kingdom, obſtinately withheld his aſſent. At laſt Richard de Haſtings, grand prior of the templars in England, threw himſelf on his knees before him; and with many tears entreated him, if he paid any regard either to his own ſafety or that of the church, not to provoke, by a fruitleſs oppoſition, the indignation of a great monarch, who was reſolutely bent on his purpoſe, and who was determined to take full revenge on every one that ſhould dare to oppoſe [x] him. Becket, finding himſelf deſerted by all the world, even by his own brethren, was at laſt obliged to comply; and he promiſed, legally, with good faith, and without fraud or reſerve,[y] to obſerve the conſtitutions; and he took an oath [z] to that purpoſe. The king, thinking that he had now finally prevailed in this great enterpriſe, ſent the conſtitutions to pope Alexander, who then reſided in France; and he required that pontiff's ratification of them: but Alexander, who, though he had owed the moſt important obligations to the king, plainly ſaw that theſe laws were calculated to eſtabliſh the independency of England on

the papacy, and of the royal power on the clergy, condemned them in the ſtrongeſt terms; abrogated, annulled, and rejected, them. There were only ſix articles, the leaſt important, which, for the ſake of peace, he was willing to ratify.

Becket, when he obſerved that he might hope for ſupport in an oppoſition, expreſſed the deepeſt ſorrow for his compliance; and endeavoured to engage all the other biſhops in a confederacy to adhere to their common rights, and to the eccleſiaſtical privileges, in which he repreſented the intereſt and honour of God to be ſo deeply concerned. He redoubled his auſterities, in order to puniſh himſelf for his criminal conſent to the conſtitutions of Clarendon; he proportioned his diſcipline to the enormity of his ſuppoſed offence; and he refuſed to exerciſe any part of his archiepiſcopal function till he ſhould receive abſolution from the pope, which was readily granted him. Henry, informed of his preſent diſpoſitions, reſolved to take vengeance for this refractory behaviour; and he attempted to cruſh him by means of that very power which Becket made ſuch merit in ſupporting. He applied to the pope, that he ſhould grant the commiſſion of legate in his dominions to the archbiſhop of York: but Alexander, as politic as he, though he granted the commiſſion, annexed a clauſe, that it ſhould not empower the legate to execute any act in prejudice of the archbiſhop of Canterbury;[a] and the king, finding how fruitleſs ſuch an authority would prove, ſent back the commiſſion by the ſame meſſenger that brought it.[b]

The primate, however, who found himſelf ſtill expoſed to the king's indignation, endeavoured twice to eſcape ſecretly from the kingdom; but was as often detained by contrary winds: and Henry haſtened to make him feel the effects of an obſtinacy which he deemed ſo criminal. He inſtigated John, mareſchal of the exchequer, to ſue Becket in the archiepiſcopal court for

ſome lands, part of the manor of Pageham; and to appeal thence to the king's court for juſtice.[c] On the day appointed for trying the cauſe the primate ſent four knights to repreſent certain irregularities in John's appeal; and at the ſame time to excuſe himſelf, on account of ſickneſs, for not appearing perſonally that day in the court. This ſlight offence (if it even deſerve the name) was repreſented as a grievous contempt; the four knights were menaced, and with difficulty eſcaped being ſent to priſon, as offering falſehoods to the court;[d] and Henry, being determined to proſecute Becket to the utmoſt, ſummoned at Northampton a great council, which he purpoſed to make the inſtrument of his vengeance againſt the inflexible prelate.

The king had raiſed Becket from a low ſtation to the higheſt offices; had honoured him with his countenance and friendſhip; had truſted to his aſſiſtance in forwarding his favourite project againſt the clergy; and, when he found him become of a ſudden his moſt rigid opponent, while every one beſide complied with his will, rage at the diſappointment, and indignation againſt ſuch ſignal ingratitude, tranſported him beyond all bounds of moderation; and there ſeems to have entered more of paſſion than of juſtice, or even of policy, in this violent proſecution.[e] The barons, notwithſtanding, in the great council, voted whatever ſentence he was pleaſed to dictate to them; and the biſhops themſelves, who undoubtedly bore a ſecret favour to Becket, and regarded him as the champion of their privileges, concurred with the reſt in the deſign of oppreſſing their primate. In vain did Becket urge that his court was proceeding with the utmoſt regularity and juſtice in trying the mareſchal's cauſe; which, however, he ſaid, would appear from the ſheriff's teſtimony to be entirely unjuſt and iniquitous: that he himſelf had diſcovered no contempt of the king's court; but, on the contrary, by ſending four knights to excuſe his abſence, had virtually ac-

knowledged its authority: that he alſo, in conſequence of the king's ſummons, perſonally appeared at preſent in the great council, ready to juſtify his cauſe againſt the mareſchal, and to ſubmit his conduct to their inquiry and juriſdiction: that, even ſhould it be found that he had been guilty of non-appearance, the laws had affixed a very ſlight penalty to that offence: and that, as he was an inhabitant of Kent, where his archiepiſcopal palace was ſeated, he was by law entitled to ſome greater indulgence than uſual in the rate of his fine.[f] Notwithſtanding theſe pleas, he was condemned as guilty of a contempt of the king's court, and as wanting in the fealty which he had ſworn to his ſovereign; all his goods and chattels [g] were confiſcated; and, that this triumph over the church might be carried to the utmoſt, Henry biſhop of Wincheſter, the prelate who had been ſo powerful in the former reign, was, in ſpite of his remonſtrances, obliged, by order of the court, to pronounce the ſentence againſt him.[h] The primate ſubmitted to the decree; and all the prelates, except Folliot biſhop of London, who paid court to the king by this ſingularity, became ſureties for him.[i] It is remarkable that ſeveral Norman barons voted in this council; and we may conclude, with ſome probability, that a like practice had prevailed in many of the great councils ſummoned ſince the conqueſt: for the contemporary hiſtorian, who has given us a full account of theſe tranſactions, does not mention this circumſtance as anywiſe ſingular;[k] and Becket, in all his ſubſequent remonſtrances, with regard to the ſevere treatment which he had met with, never founds any objection on an irregularity, which to us appears very palpable and flagrant. So little preciſion was there at that time in the government and conſtitution!

The king was not content with this ſentence, however violent and oppreſſive. Next day he demanded of Becket the ſum of

three hundred pounds, which the primate had levied upon the honours of Eye and Berkham while in his poſſeſſion. Becket, after premiſing that he was not obliged to anſwer to this ſuit, becauſe it was not contained in his ſummons; after remarking that he had expended more than that ſum in the repairs of thoſe caſtles, and of the royal palace at London; expreſſed however his reſolution that money ſhould not be any ground of quarrel between him and his ſovereign: he agreed to pay the ſum, and immediately gave ſureties for it.[l] In the ſubſequent meeting the king demanded five hundred marks; which, he affirmed, he had lent Becket during the war at Toulouſe;[m] and another ſum to the ſame amount, for which that prince had been ſurety for him to a Jew. Immediately after theſe two claims he preferred a third of ſtill greater importance: he required him to give in the accounts of his adminiſtration while chancellor; and to pay the balance due from the revenues of all the prelacies, abbies, and baronies, which had, during that time, been ſubjected to his management.[n] Becket obſerved that, as this demand was totally unexpected, he had not come prepared to anſwer it; but he required a delay, and promiſed in that caſe to give ſatisfaction. The king inſiſted upon ſureties; and Becket deſired leave to conſult his ſuffragans in a caſe of ſuch importance.[o]

It is apparent, from the known character of Henry, and from the uſual vigilance of his government, that, when he promoted Becket to the ſee of Canterbury, he was, on good grounds, well pleaſed with his adminiſtration in the former high office with which he had intruſted him; and that, even if that prelate had diſſipated money beyond the income of his place, the king was ſatisfied that his expenſes were not blameable, and had in the main been calculated for his ſervice.[p] Two years had ſince elapſed; no demand had, during that time, been made upon

him; it was not till the quarrel aroſe concerning eccleſiaſtical privileges that the claim was ſtarted, and the primate was, of a ſudden, required to produce accounts of ſuch intricacy and extent before a tribunal which had ſhewn a determined reſolution to ruin and oppreſs him. To find ſureties that he ſhould anſwer ſo boundleſs and uncertain a claim, which in the king's eſtimation amounted to forty-four thouſand marks,[q] was impracticable; and Becket's ſuffragans were extremely at a loſs what counſel to give him in ſuch a critical emergency. By the advice of the biſhop of Wincheſter, he offered two thouſand marks as a general ſatisfaction for all demands; but this offer was rejected by the king.[r] Some prelates exhorted him to reſign his ſee, on condition of receiving an acquittal; others were of opinion that he ought to ſubmit himſelf entirely to the king's mercy:[s] but the primate, thus puſhed to the utmoſt, had too much courage to ſink under oppreſſion; he determined to brave all his enemies, to truſt to the ſacredneſs of his character for protection, to involve his cauſe with that of God and religion, and to ſtand the utmoſt efforts of royal indignation.

After a few days ſpent in deliberation, Becket went to church, and ſaid maſs; where he had previouſly ordered that the introit to the communion ſervice ſhould begin with theſe words, 'Princes ſat and ſpake againſt me;' the paſſage appointed for the martyrdom of St. Stephen, whom the primate thereby tacitly pretended to reſemble in his ſufferings for the ſake of righteouſneſs. He went thence to court, arrayed in his ſacred veſtments: as ſoon as he arrived within the palace gate he took the croſs into his own hands, bore it aloft as his protection, and marched in that poſture into the royal apartments.[t] The king, who was in an inner room, was aſtoniſhed at this parade, by which the primate ſeemed to menace him and his court with the ſentence of excommunication; and he ſent ſome of the pre-

lates to remonſtrate with him on account of ſuch audacious behaviour. Theſe prelates complained to Becket that, by ſubſcribing himſelf to the conſtitutions of Clarendon, he had ſeduced them to imitate his example; and that now, when it was too late, he pretended to ſhake off all ſubordination to the civil power, and appeared deſirous of involving them in the guilt which muſt attend any violation of thoſe laws, eſtabliſhed by their conſent, and ratified by their ſubſcriptions.[n] Becket replied that he had indeed ſubſcribed the conſtitutions of Clarendon, legally, with good faith, and without fraud or reſerve; but in theſe words was virtually implied a ſalvo for the rights of their order, which, being connected with the cauſe of God and his church, could never be relinquiſhed by their oaths and engagements: that, if he and they had erred in reſigning the eccleſiaſtical privileges, the beſt atonement they could now make was to retract their conſent, which in ſuch a caſe could never be obligatory, and to follow the pope's authority, who had ſolemnly annulled the conſtitutions of Clarendon, and had abſolved them from all oaths which they had taken to obſerve them: that a determined reſolution was evidently embraced to oppreſs the church; the ſtorm had firſt broken upon him; for a ſlight offence, and which too was falſely imputed to him, he had been tyrannically condemned to a grievous penalty; a new and unheard of claim was ſince ſtarted, in which he could expect no juſtice; and he plainly ſaw that he was the deſtined victim, who, by his ruin, muſt prepare the way for the abrogation of all ſpiritual immunities: that he ſtrictly inhibited them who were his ſuffragans from aſſiſting at any ſuch trial, or giving their ſanction to any ſentence againſt him; he put himſelf and his ſee under the protection of the ſupreme pontiff; and appealed to him againſt any penalty which his iniquitous judges might think proper to inflict upon him: and that, however terrible the indigna-

tion of ſo great a monarch as Henry, his ſword could only kill the body; while that of the church, intruſted into the hands of the primate, could kill the ſoul, and throw the diſobedient into infinite and eternal perdition.[w]

BANISHMENT OF BECKET.

Appeals to the pope, even in eccleſiaſtical cauſes, had been aboliſhed by the conſtitutions of Clarendon, and were become criminal by law; but an appeal in a civil cauſe, ſuch as the king's demand upon Becket, was a practice altogether new and unprecedented; it tended directly to the ſubverſion of the government, and could receive no colour of excuſe, except from the determined reſolution, which was but too apparent in Henry and the great council, to effectuate, without juſtice, but under colour of law, the total ruin of the inflexible primate. The king, having now obtained a pretext ſo much more plauſible for his violence, would probably have puſhed the affair to the utmoſt extremity againſt him; but Becket gave him no leiſure to conduct the proſecution. He refuſed ſo much as to hear the ſentence, which the barons, ſitting apart from the biſhops, and joined to ſome ſheriffs and barons of the ſecond rank,[x] had given upon the king's claim: he departed from the palace; aſked Henry's immediate permiſſion to leave Northampton; and, upon meeting with a refuſal, he withdrew ſecretly; wandered about in diſguiſe for ſome time; and at laſt took ſhipping, and arrived ſafely at Gravelines.

The violent and unjuſt proſecution of Becket had a natural tendency to turn the public favour on his ſide, and to make men overlook his former ingratitude towards the king, and his departure from all oaths and engagements, as well as the enormity of thoſe eccleſiaſtical privileges, of which he affected to be

the champion. There were many other reaſons which procured him countenance and protection in foreign countries. Philip earl of Flanders,[y] and Lewis king of France,[z] jealous of the riſing greatneſs of Henry, were well pleaſed to give him diſturbance in his government; and, forgetting that this was the common cauſe of princes, they affected to pity extremely the condition of the exiled primate; and the latter even honoured him with a viſit at Soiſſons, in which city he had invited him to fix his reſidence.[a] The pope, whoſe intereſts were more immediately concerned in ſupporting him, gave a cold reception to a magnificent embaſſy which Henry ſent to accuſe him; while Becket himſelf, who had come to Sens in order to juſtify his cauſe before the ſovereign pontiff, was received with the greateſt marks of diſtinction. The king, in revenge, ſequeſtered the revenues of Canterbury; and, by a conduct which might be eſteemed arbitrary, had there been at that time any regular check on royal authority, he baniſhed all the primate's relations and domeſtics, to the number of four hundred; whom he obliged to ſwear, before their departure, that they would inſtantly join their patron. But this policy, by which Henry endeavoured to reduce Becket ſooner to neceſſity, loſt its effect. The pope, when they arrived beyond ſea, abſolved them from their oath, and diſtributed them among the convents in France and Flanders: a reſidence was aſſigned to Becket himſelf in the convent of Pontigny; where he lived for ſome years in great magnificence, partly from a penſion granted him on the revenues of that abbey, partly from remittances made him by the French monarch.

The more to ingratiate himſelf with the pope, Becket reſigned into his hands the ſee of Canterbury, to which, he affirmed, he had been uncanonically elected by the authority of the royal mandate; and Alexander, in his turn, beſides inveſting him anew with that dignity, pretended to abrogate, by a bull, the ſentence

which the great council of England had paſſed againſt him. Henry, after attempting in vain to procure a conference with the pope, who departed ſoon after for Rome, whither the proſperous ſtate of his affairs now invited him, made proviſions againſt the conſequences of that breach which impended between his kingdom and the apoſtolic ſee. He iſſued orders to his juſticiaries, inhibiting, under ſevere penalties, all appeals to the pope or archbiſhop; forbidding any one to receive any mandates from them, or apply in any caſe to their authority; declaring it treaſonable to bring from either of them an interdict upon the kingdom, and puniſhable in ſecular clergymen by the loſs of their eyes and by caſtration, in regulars by amputation of their feet, and in laics with death; and menacing with ſequeſtration and baniſhment the perſons themſelves, as well as their kindred, who ſhould pay obedience to any ſuch interdict: and he farther obliged all his ſubjects to ſwear to the obſervance of thoſe orders.[b] Theſe were edicts of the utmoſt importance; affected the lives and properties of all the ſubjects; and even changed, for the time, the national religion, by breaking off all communication with Rome: yet were they enacted by the ſole authority of the king, and were derived entirely from his will and pleaſure.

The ſpiritual powers, which in the primitive church were, in a great meaſure, dependent on the civil, had, by a gradual progreſs, reached an equality and independence; and, though the limits of the two juriſdictions were difficult to aſcertain or define, it was not impoſſible but, by moderation on both ſides, government might ſtill have been conducted in that imperfect and irregular manner which attends all human inſtitutions. But, as the ignorance of the age encouraged the eccleſiaſtics daily to extend their privileges, and even to advance maxims totally incompatible with civil government,[c] Henry had thought it high

time to put an end to their pretenſions, and formally, in a public council, to fix thoſe powers which belonged to the magiſtrate, and which he was for the future determined to maintain. In this attempt he was led to re-eſtabliſh cuſtoms, which, though ancient, were beginning to be aboliſhed by a contrary practice, and which were ſtill more ſtrongly oppoſed by the prevailing opinions and ſentiments of the age. Principle, therefore, ſtood on the one ſide, power on the other; and, if the Engliſh had been actuated by conſcience more than by preſent intereſt, the controverſy muſt ſoon, by the general defection of Henry's ſubjects, have been decided againſt him. Becket, in order to forward this event, filled all places with exclamations againſt the violence which he had ſuffered. He compared himſelf to Chriſt, who had been condemned by a lay tribunal,[d] and who was crucified anew in the preſent oppreſſions under which his church laboured; he took it for granted, as a point inconteſtable, that his cauſe was the cauſe of God;[e] he aſſumed the character of champion for the patrimony of the Divinity; he pretended to be the ſpiritual father of the king and all the people of England;[f] he even told Henry that kings reign ſolely by the authority of the church;[g] and, though he had thus torn off the veil more openly on the one ſide than that prince had on the other, he ſeemed ſtill, from the general favour borne him by the eccleſiaſtics, to have all the advantage in the argument. The king, that he might employ the weapons of temporal power remaining in his hands, ſuſpended the payment of Peter's pence; he made advances towards an alliance with the emperor Frederic Barbaroſſa, who was at that time engaged in violent wars with pope Alexander; he diſcovered ſome intentions of acknowledging Paſcal III. the preſent antipope, who was protected by that emperor; and by theſe expedients he endeavoured to terrify the enterpriſing though prudent pontiff from proceeding to extremities againſt him.

But the violence of Becket, ſtill more than the nature of the controverſy, kept affairs from remaining long in ſuſpenſe between the parties. That prelate, inſtigated by revenge, and animated by the preſent glory attending his ſituation, puſhed matters to a deciſion, and iſſued a cenſure, excommunicating the king's chief miniſters by name, and comprehending in general all thoſe who favoured or obeyed the conſtitutions of Clarendon. Theſe conſtitutions he abrogated and annulled; he abſolved all men from the oaths which they had taken to obſerve them; and he ſuſpended the ſpiritual thunder over Henry himſelf, only that the prince might avoid the blow by a timely repentance.[h]

The ſituation of Henry was ſo unhappy, that he could employ no expedient for ſaving his miniſters from this terrible cenſure, but by appealing to the pope himſelf, and having recourſe to a tribunal whoſe authority he had himſelf attempted to abridge in this very article of appeals, and which he knew was ſo deeply engaged on the ſide of his adverſary. But even this expedient was not likely to be long effectual. Becket had obtained from the pope a legantine commiſſion over England; and, in virtue of that authority, which admitted of no appeal, he ſummoned the biſhops of London, Saliſbury, and others, to attend him; and ordered, under pain of excommunication, the eccleſiaſtics, ſequeſtered on his account, to be reſtored in two months to all their benefices. But John of Oxford, the king's agent with the pope, had the addreſs to procure orders for ſuſpending this ſentence; and he gave the pontiff ſuch hopes of a ſpeedy reconcilement between the king and Becket, that two legates, William of Pavia and Otho, were ſent to Normandy, where the king then reſided; and they endeavoured to find expedients for that purpoſe: but the pretenſions of the parties were, as yet, too oppoſite to admit of an accommodation. The

king required that all the conſtitutions of Clarendon ſhould be ratified; Becket, that, previouſly to any agreement, he and his adherents ſhould be reſtored to their poſſeſſions: and, as the legates had no power to pronounce a definitive ſentence on either ſide, the negociation ſoon after came to nothing. The cardinal of Pavia alſo, being much attached to Henry, took care to protract the negociation; to mitigate the pope, by the accounts which he ſent of that prince's conduct; and to procure him every poſſible indulgence from the ſee of Rome. About this time the king had alſo the addreſs to obtain a diſpenſation for the marriage of his third ſon Geoffrey with the heireſs of Brittany; a conceſſion which, conſidering Henry's demerits towards the church, gave great ſcandal both to Becket and to his zealous patron the king of France.

The intricacies of the feudal law had, in that age, rendered the boundaries of power between the prince and his vaſſals, and between one prince and another, as uncertain as thoſe between the crown and the mitre; and all wars took their origin from diſputes which, had there been any tribunal poſſeſſed of power to enforce their decrees, ought to have been decided only before a court of judicature. Henry, in proſecution of ſome controverſies, in which he was involved with the count of Auvergne, a vaſſal of the duchy of Guienne, had invaded the territories of that nobleman; who had recourſe to the king of France, his ſuperior lord, for protection, and thereby kindled a war between the two monarchs. But this war was, as uſual, no leſs feeble in its operations than it was frivolous in its cauſe and object; and, after occaſioning ſome mutual depredations, and ſome inſurrections among the barons of Poictou and Guienne, was terminated by a peace. The terms of this peace were rather diſadvantageous to Henry, and prove that that prince had, by reaſon of his conteſt with the church, loſt the ſuperiority which

he had hitherto maintained over the crown of France; an additional motive to him for accommodating thoſe differences.

The pope and the king began at laſt to perceive that, in the preſent ſituation of affairs, neither of them could expect a final and deciſive victory over the other, and that they had more to fear than to hope from the duration of the controverſy. Though the vigour of Henry's government had confirmed his authority in all his dominions, his throne might be ſhaken by a ſentence of excommunication; and, if England itſelf could, by its ſituation, be more eaſily guarded againſt the contagion of ſuperſtitious prejudices, his French provinces at leaſt, whoſe communication was open with the neighbouring ſtates, would be much expoſed, on that account, to ſome great revolution or convulſion.[k] He could not, therefore, reaſonably imagine that the pope, while he retained ſuch a check upon him, would formally recogniſe the conſtitutions of Clarendon; which both put an end to papal pretenſions in England, and would give an example to other ſtates of exerting a like independency.[l] Pope Alexander, on the other hand, being ſtill engaged in dangerous wars with the emperor Frederic, might juſtly apprehend that Henry, rather than relinquiſh claims of ſuch importance, would join the party of his enemy; and, as the trials hitherto made of the ſpiritual weapons by Becket had not ſucceeded to his expectation, and every thing had remained quiet in all the king's dominions, nothing ſeemed impoſſible to the capacity and vigilance of ſo great a monarch. The diſpoſition of minds on both ſides, reſulting from theſe circumſtances, produced frequent attempts towards an accommodation; but, as both parties knew that the eſſential articles of the diſpute could not then be terminated, they entertained a perpetual jealouſy of each other, and were anxious not to loſe the leaſt advantage in the negociation. The nuncios Gratian and Vivian, having received a commiſſion to endeavour

a reconciliation, met with the king in Normandy; and, after all differences ſeemed to be adjuſted, Henry offered to ſign the treaty, with a ſalvo to his royal dignity; which gave ſuch umbrage to Becket, that the negociation, in the end, became fruitleſs, and the excommunications were renewed againſt the king's miniſters. Another negociation was conducted at Montmirail, in preſence of the king of France and the French prelates; where Becket alſo offered to make his ſubmiſſions, with a ſalvo to the honour of God and the liberties of the church; which, for a like reaſon, was extremely offenſive to the king, and rendered the treaty abortive. A third conference, under the ſame mediation, was broken off by Becket's inſiſting on a like reſerve in his ſubmiſſions: and even in a fourth treaty, when all the terms were adjuſted, and when the primate expected to be introduced to the king, and to receive the kiſs of peace, which it was uſual for princes to grant in thoſe times, and which was regarded as a ſure pledge of forgiveneſs, Henry refuſed him that honour; under pretence that, during his anger, he had made a raſh vow to that purpoſe. This formality ſerved, among ſuch jealous ſpirits, to prevent the concluſion of the treaty; and, though the difficulty was attempted to be overcome by a diſpenſation which the pope granted to Henry from his vow, that prince could not be prevailed on to depart from the reſolution which he had taken.

In one of theſe conferences, at which the French king was preſent, Henry ſaid to that monarch; 'There have been many kings of England, ſome of greater, ſome of leſs, authority than myſelf; there have alſo been many archbiſhops of Canterbury, holy and good men, and entitled to every kind of reſpect; let Becket but act towards me with the ſame ſubmiſſion which the greateſt of his predeceſſors have paid to the leaſt of mine, and there ſhall be no controverſy between us.' Lewis was ſo ſtruck

with this ſtate of the caſe, and with an offer which Henry made to ſubmit his cauſe to the French clergy, that he could not forbear condemning the primate, and withdrawing his friendſhip from him during ſome time; but the bigotry of that prince, and their common animoſity againſt Henry, ſoon produced a renewal of their former good correſpondence.

COMPROMISE WITH, AND RETURN OF, BECKET. 1170.

All difficulties were at laſt adjuſted between the parties; and the king allowed Becket to return, on conditions which may be eſteemed both honourable and advantageous to that prelate. He was not required to give up any rights of the church, or reſign any of thoſe pretenſions which had been the original ground of the controverſy. It was agreed that all theſe queſtions ſhould be buried in oblivion; but that Becket and his adherents ſhould, without making farther ſubmiſſion, be reſtored to all their livings; and that even the poſſeſſors of ſuch benefices as depended on the ſee of Canterbury, and had been filled during the primate's abſence, ſhould be expelled, and Becket have liberty to ſupply the vacancies.[m] In return for conceſſions which entrenched ſo deeply on the honour and dignity of the crown, Henry reaped only the advantage of ſeeing his miniſters abſolved from the ſentence of excommunication pronounced againſt them, and of preventing the interdict, which, if theſe hard conditions had not been complied with, was ready to be laid on all his dominions.[n] It was eaſy to ſee how much he dreaded that event, when a prince of ſo high a ſpirit could ſubmit to terms ſo diſhonourable in order to prevent it. So anxious was Henry to accommodate all differences, and to reconcile himſelf fully with Becket, that he took the moſt extraordinary ſteps to flatter his vanity; and even, on one occaſion, humiliated himſelf

ſo far as to hold the ſtirrup of that haughty prelate while he mounted.[o]

But the king attained not even that temporary tranquillity which he had hoped to reap from theſe expedients. During the heat of his quarrel with Becket, while he was every day expecting an interdict to be laid on his kingdom, and a ſentence of excommunication to be fulminated againſt his perſon, he had thought it prudent to have his ſon, prince Henry, aſſociated with him in the royalty, and to make him be crowned king by the hands of Roger archbiſhop of York. By this precaution he both enſured the ſucceſſion of that prince; which, conſidering the many paſt irregularities in that point, could not but be eſteemed ſomewhat precarious; and he preſerved at leaſt his family on the throne, if the ſentence of excommunication ſhould have the effect which he dreaded, and ſhould make his ſubjects renounce their allegiance to him. Though this deſign was conducted with expedition and ſecreſy, Becket, before it was carried into execution, had got intelligence of it; and, being deſirous of obſtructing all Henry's meaſures, as well as anxious to prevent this affront to himſelf, who pretended to the ſole right, as archbiſhop of Canterbury, to officiate in the coronation, he had inhibited all the prelates of England from aſſiſting at this ceremony; had procured from the pope a mandate to the ſame purpoſe;[p] and had incited the king of France to proteſt againſt the coronation of young Henry, unleſs the princeſs, daughter of that monarch, ſhould at the ſame time receive the royal unction. There prevailed in that age an opinion, which was akin to its other ſuperſtitions, that the royal unction was eſſential to the exerciſe of royal power:[q] it was therefore natural both for the king of France, careful of his daughter's eſtabliſhment, and for Becket, jealous of his own dignity, to demand, in the treaty with Henry, ſome ſatisfaction in this eſſential point. Henry, after apologizing

to Lewis for the omiſſion with regard to Margaret, and excuſing it on account of the ſecreſy and diſpatch requiſite for conducting that meaſure, promiſed that the ceremony ſhould be renewed in the perſons both of the prince and princeſs; and he aſſured Becket that, beſides receiving the acknowledgments of Roger and the other biſhops for the ſeeming affront put on the ſee of Canterbury, the primate ſhould, as a farther ſatisfaction, recover his rights by officiating in this coronation. But the violent ſpirit of Becket, elated by the power of the church, and by the victory which he had already obtained over his ſovereign, was not content with this voluntary compenſation; but reſolved to make the injury, which he pretended to have ſuffered, a handle for taking revenge on all his enemies. On his arrival in England he met the archbiſhop of York, and the biſhops of London and Saliſbury, who were on their journey to the king in Normandy: he notified to the archbiſhop the ſentence of ſuſpenſion, and to the two biſhops that of excommunication, which, at his ſolicitation, the pope had pronounced againſt them. Reginald de Warenne, and Gervaſe de Cornhill, two of the king's miniſters who were employed on their duty in Kent, aſked him, on hearing of this bold attempt, whether he meant to bring fire and ſword into the kingdom? But the primate, heedleſs of the reproof, proceeded, in the moſt oſtentatious manner, to take poſſeſſion of his dioceſe. In Rocheſter, and all the towns through which he paſſed, he was received with the ſhouts and acclamations of the populace. As he approached Southwark, the clergy, the laity, men of all ranks and ages, came forth to meet him, and celebrated with hymns of joy his triumphant entrance. And, though he was obliged, by order of the young prince, who reſided at Woodſtoke, to return to his dioceſe, he found that he was not miſtaken when he reckoned upon the higheſt veneration of the public towards his perſon and his dignity. He pro-

ceeded, therefore, with the more courage to dart his ſpiritual thunders; he iſſued the ſentence of excommunication againſt Robert de Broc and Nigel de Sackville, with many others, who either had aſſiſted at the coronation of the prince, or been active in the late perſecution of the exiled clergy. This violent meaſure, by which he in effect denounced war againſt the king himſelf, is commonly aſcribed to the vindictive diſpoſition and imperious character of Becket; but, as this prelate was alſo a man of acknowledged abilities, we are not, in his paſſions alone, to look for the cauſe of his conduct, when he proceeded to theſe extremities againſt his enemies. His ſagacity had led him to diſcover all Henry's intentions; and he propoſed, by this bold and unexpected aſſault, to prevent the execution of them.

The king, from his experience of the diſpoſitions of his people, was become ſenſible that his enterpriſe had been too bold in eſtabliſhing the conſtitutions of Clarendon; in defining all the branches of royal power; and in endeavouring to extort from the church of England, as well as from the pope, an expreſs avowal of theſe diſputed prerogatives. Conſcious alſo of his own violence in attempting to break or ſubdue the inflexible primate, he was not diſpleaſed to undo that meaſure which had given his enemies ſuch advantage againſt him; and he was contented that the controverſy ſhould terminate in that ambiguous manner, which was the utmoſt that princes in thoſe ages could hope to attain in their diſputes with the ſee of Rome. Though he dropped, for the preſent, the proſecution of Becket, he ſtill reſerved to himſelf the right of maintaining that the conſtitutions of Clarendon, the original ground of the quarrel, were both the ancient cuſtoms and the preſent law of the realm: and, though he knew that the papal clergy aſſerted them to be impious in themſelves, as well as abrogated by the ſentence of the ſovereign pontiff, he intended, in ſpite of their clamours, ſteadily to put

thoſe laws in execution,[r] and to truſt to his own abilities, and to the courſe of events, for ſucceſs in that perilous enterprize. He hoped that Becket's experience of a ſix years' exile would, after his pride was fully gratified by his reſtoration, be ſufficient to teach him more reſerve in his oppoſition; or, if any controverſy aroſe, he expected thenceforth to engage in a more favourable cauſe, and to maintain with advantage, while the primate was now in his power,[s] the ancient and undoubted cuſtoms of the kingdom againſt the uſurpations of the clergy. But Becket determined not to betray the eccleſiaſtical privileges by his connivance;[t] and, apprehenſive leſt a prince of ſuch profound policy, if allowed to proceed in his own way, might probably in the end prevail, reſolved to take all the advantage which his preſent victory gave him, and to diſconcert the cautious meaſures of the king by the vehemence and rigour of his own conduct.[u] Aſſured of[v] ſupport from Rome, he was little intimidated by dangers, which his courage taught him to deſpiſe, and which, even if attended with the moſt fatal conſequences, would ſerve only to gratify his ambition and thirſt of glory.[x]

MURDER OF BECKET. 1170.

When the ſuſpended and excommunicated prelates arrived at Baieux, where the king then reſided, and complained to him of the violent proceedings of Becket, he inſtantly perceived the conſequences; was ſenſible that his whole plan of operations was overthrown; foreſaw that the dangerous conteſt between the civil and ſpiritual powers (a conteſt which he himſelf had firſt rouſed, but which he had endeavoured, by all his late negociations and conceſſions, to appeaſe) muſt come to an immediate and deciſive iſſue; and he was thence thrown into the moſt violent commotion. The archbiſhop of York remarked to him

THE DEATH OF BECKETT.

that, ſo long as Becket lived, he could never expect to enjoy peace or tranquillity. The king himſelf, being vehemently agitated, burſt forth into an exclamation againſt his ſervants; whoſe want of zeal, he ſaid, had ſo long left him expoſed to the enterpriſes of that ungrateful and imperious prelate.[y] Four gentlemen of his houſehold, Reginald Fitz-Urſe, William de Traci, Hugh de Moreville, and Richard Brito, taking theſe paſſionate expreſſions to be a hint for Becket's death, immediately communicated their thoughts to each other; and, ſwearing to avenge their prince's quarrel, ſecretly withdrew from court.[z] Some menacing expreſſions, which they had dropped, gave a ſuſpicion of their deſign; and the king diſpatched a meſſenger after them, charging them to attempt nothing againſt the perſon of the primate.[a] But theſe orders arrived too late to prevent their fatal purpoſe. The four aſſaſſins, though they took different roads to England, arrived nearly about the ſame time at Saltwoode, near Canterbury; and, being there joined by ſome aſſiſtants, they proceeded in great haſte to the archiepiſcopal palace. They found the primate, who truſted entirely to the ſacredneſs of his character, very ſlenderly attended; and, though they threw out many menaces and reproaches againſt him, he was ſo incapable of fear, that, without uſing any precautions againſt their violence, he immediately went to St. Benedict's church to hear veſpers. They followed him thither, attacked him before the altar; and, having cloven his head with many blows, retired without meeting any oppoſition. This was the tragical end of Thomas a Becket; a prelate of the moſt lofty, intrepid, and inflexible ſpirit; who was able to cover to the world, and probably to himſelf, the enterpriſes of pride and ambition, under the diſguiſe of ſanctity, and of zeal for the intereſts of religion. An extraordinary perſonage, ſurely, had he been allowed to remain in his firſt ſtation, and had directed the vehemence of his cha-

racter to the ſupport of law and juſtice; inſtead of being engaged, by the prejudices of the times, to ſacrifice all private duties and public connexions to ties which he imagined or repreſented as ſuperior to every civil and political conſideration. But no man, who enters into the genius of that age, can reaſonably doubt of this prelate's ſincerity. The ſpirit of ſuperſtition was ſo prevalent, that it infallibly caught every careleſs reaſoner, much more every one whoſe intereſt, and honour, and ambition, were engaged to ſupport it. All the wretched literature of the times was inliſted on that ſide. Some faint glimmerings of common ſenſe might ſometimes pierce through the thick cloud of ignorance, or, what was worſe, the illuſions of perverted ſcience, which had blotted out the ſun, and enveloped the face of nature: but thoſe, who preſerved themſelves untainted by the general contagion, proceeded on no principles which they could pretend to juſtify. They were more indebted to their total want of inſtruction than to their knowledge, if they ſtill retained ſome ſhare of underſtanding. Folly was poſſeſſed of all the ſchools, as well as all the churches; and her votaries aſſumed the garb of philoſophers, together with the enſigns of ſpiritual dignities. Throughout that large collection of letters which bears the name of St. Thomas, we find, in all the retainers of that aſpiring prelate, no leſs than in himſelf, a moſt entire and abſolute conviction of the reaſon and piety of their own party, and a diſdain of their antagoniſts: nor is there leſs cant and grimace in their ſtyle when they addreſs each other, than when they compoſe manifeſtos for the peruſal of the public. The ſpirit of revenge, violence, and ambition, which accompanied their conduct, inſtead of forming a preſumption of hypocriſy, are the ſureſt pledges of their ſincere attachment to a cauſe which ſo much flattered theſe domineering paſſions.

GRIEF AND SUBMISSION OF THE KING. 1171.

HENRY, on the firſt report of Becket's violent meaſures, had purpoſed to have him arreſted, and had already taken ſome ſteps towards the execution of that deſign: but the intelligence of his murder threw the prince into great conſternation; and he was immediately ſenſible of the dangerous conſequences which he had reaſon to apprehend from ſo unexpected an event. An archbiſhop of reputed ſanctity aſſaſſinated before the altar, in the exerciſe of his functions, and on account of his zeal in maintaining eccleſiaſtical privileges, muſt attain the higheſt honours of martyrdom; while his murderer would be ranked among the moſt bloody tyrants that ever were expoſed to the hatred and deteſtation of mankind. Interdicts and excommunications, weapons in themſelves ſo terrible, would, he foreſaw, be armed with double force when employed in a cauſe ſo much calculated to work on the human paſſions, and ſo peculiarly adapted to the eloquence of popular preachers and declaimers. In vain would he plead his own innocence, and even his total ignorance of the fact; he was ſufficiently guilty, if the church thought proper to eſteem him ſuch: and his concurrence in Becket's martyrdom, becoming a religious opinion, would be received with all the implicit credit which belonged to the moſt eſtabliſhed articles of faith. Theſe conſiderations gave the king the moſt unaffected concern; and, as it was extremely his intereſt to clear himſelf from all ſuſpicion, he took no care to conceal the depth of his affliction.[b] He ſhut himſelf up from the light of day, and from all commerce with his ſervants; he even refuſed, during three days, all food and ſuſtenance.[c] The courtiers, apprehending dangerous effects from his deſpair, were at laſt obliged to break in upon his ſolitude; and they employed every topic of conſolation,

induced him to accept of nouriſhment, and occupied his leiſure in taking precautions againſt the conſequences which he ſo juſtly apprehended from the murder of the primate.

The point of chief importance to Henry was to convince the pope of his innocence, or rather to perſuade him that he would reap greater advantages from the ſubmiſſions of England than from proceeding to extremities againſt that kingdom. The archbiſhop of Rouen, the biſhops of Worceſter and Evreux, with five perſons of inferior quality, were immediately diſpatched to Rome;[d] and orders were given them to perform their journey with the utmoſt expedition. Though the name and authority of the court of Rome were ſo terrible in the remote countries of Europe, which were ſunk in profound ignorance, and were entirely unacquainted with its character and conduct, the pope was ſo little revered at home that his inveterate enemies ſurrounded the gates of Rome itſelf, and even controlled his government in that city; and the ambaſſadors (who, from a diſtant extremity of Europe, carried to him the humble, or rather abject, ſubmiſſions of the greateſt potentate of the age) found the utmoſt difficulty to make their way to him, and to throw themſelves at his feet. It was at length agreed that Richard Barre, one of their number, ſhould leave the reſt behind, and run all the hazards of the paſſage,[e] in order to prevent the fatal conſequences which might enſue from any delay in giving ſatisfaction to his holineſs. He found, on his arrival, that Alexander was already wrought up to the greateſt rage againſt the king, that Becket's partiſans were daily ſtimulating him to revenge, that the king of France had exhorted him to fulminate the moſt dreadful ſentence againſt England, and that the very mention of Henry's name before the ſacred college was received with every expreſſion of horror and execration. The Thurſday before Eaſter was now approaching, when it is cuſtomary for the pope to de-

nounce annual curſes againſt all his enemies; and it was expected that Henry ſhould, with all the preparations peculiar to the diſcharge of that ſacred artillery, be ſolemnly comprehended in the number. But Barre found means to appeaſe the pontiff, and to deter him from a meaſure which, if it failed of ſucceſs, could not afterwards be eaſily recalled. The anathemas were only levelled in general againſt all the actors, accomplices, and abettors, of Becket's murder. The abbot of Valaſſe, and the archdeacons of Saliſbury and Liſieux, with others of Henry's miniſters, who ſoon after arrived, beſides aſſerting their prince's innocence, made oath before the whole conſiſtory that he would ſtand to the pope's judgment in the affair, and make every ſubmiſſion that ſhould be required of him. The terrible blow was thus artfully eluded; the cardinals Albert and Theodin were appointed legates to examine the cauſe, and were ordered to proceed to Normandy for that purpoſe; and, though Henry's foreign dominions were already laid under an interdict by the archbiſhop of Sens, Becket's great partiſan and the pope's legate in France, the general expectation, that the monarch would eaſily exculpate himſelf from any concurrence in the guilt, kept every one in ſuſpenſe, and prevented all the bad conſequences which might be dreaded from that ſentence.

The clergy, meanwhile, though their rage was happily diverted from falling on the king, were not idle in magnifying the ſanctity of Becket; in extolling the merits of his martyrdom; and in exalting him above all that devoted tribe who in ſeveral ages had, by their blood, cemented the fabric of the temple. Other ſaints had only borne teſtimony by their ſufferings to the general doctrines of Chriſtianity; but Becket had ſacrificed his life to the power and privileges of the clergy; and this peculiar merit challenged, and not in vain, a ſuitable acknowledgment to his memory. Endleſs were the panegyrics on

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his virtues; and the miracles wrought by his reliques were more numerous, more nonſenſical, and more impudently atteſted, than thoſe which ever filled the legend of any confeſſor or martyr. Two years after his death he was canonized by pope Alexander; a ſolemn jubilee was eſtabliſhed for celebrating his merits; his body was removed to a magnificent ſhrine, enriched with preſents from all parts of Chriſtendom; pilgrimages were performed to obtain his interceſſion with heaven; and it was computed that in one year above a hundred thouſand pilgrims arrived in Canterbury, and paid their devotions at his tomb. It is indeed a mortifying reflection to thoſe who are actuated by the love of fame, ſo juſtly denominated the laſt infirmity of noble minds, that the wiſeſt legiſlator, and moſt exalted genius that ever reformed or enlightened the world, can never expect ſuch tributes of praiſe as are laviſhed on the memory of pretended ſaints; whoſe whole conduct was probably to the laſt degree odious or contemptible, and whoſe induſtry was entirely directed to the purſuit of objects pernicious to mankind. It is only a conqueror, a perſonage no leſs entitled to our hatred, who can pretend to the attainment of equal renown and glory.

It may not be amiſs to remark, before we conclude the ſubject of Thomas a Becket, that the king, during his controverſy with that prelate, was on every occaſion more anxious than uſual to expreſs his zeal for religion, and to avoid all appearance of a profane negligence on that head. He gave his conſent to the impoſing of a tax on all his dominions for the delivery of the holy land, now threatened by the famous Saladine. This tax amounted to two pence a pound for one year, and a penny a pound for the four ſubſequent.[f] Almoſt all the princes of Europe laid a like impoſition on their ſubjects, which received the name of Saladine's tax. During this period there came over from Germany about thirty heretics of both ſexes, under the direction of

one Gerard; ſimple ignorant people, who could give no account of their faith, but declared themſelves ready to ſuffer for the tenets of their maſter. They made only one convert in England, a woman as ignorant as themſelves; yet they gave ſuch umbrage to the clergy that they were delivered over to the ſecular arm, and were puniſhed, by being burned on the forehead, and then whipped through the ſtreets. They ſeemed to exult in their ſufferings, and as they went along ſung the beatitude, 'Bleſſed are ye when men hate you [g] and perſecute you.' After they were whipped they were thruſt out, almoſt naked, in the midſt of winter, and periſhed through cold and hunger; no one daring or being willing to give them the leaſt relief. We are ignorant of the particular tenets of theſe people; for it would be imprudent to rely on the repreſentations left of them by the clergy, who affirm that they denied the efficacy of the ſacraments and the unity of the church. It is probable that their departure from the ſtandard of orthodoxy was ſtill more ſubtle and minute. They ſeem to have been the firſt that ever ſuffered for hereſy in England.

As ſoon as Henry found that he was in no immediate danger from the thunders of the Vatican, he undertook an expedition againſt Ireland; a deſign which he had long projected, and by which he hoped to recover his credit, ſomewhat impaired by his late tranſactions with the hierarchy.

CHAPTER IX.

HENRY II.

STATE OF IRELAND....CONQUEST OF THAT ISLAND....THE KING'S ACCOMMODATION WITH ROME....REVOLT OF YOUNG HENRY AND HIS BROTHERS....WAR WITH SCOTLAND....PENANCE OF HENRY FOR BECKET'S MURDER....KING OF SCOTLAND TAKEN PRISONER ....THE KING'S ACCOMMODATION WITH HIS SONS....THE KING'S EQUITABLE ADMINISTRATION....DEATH OF YOUNG HENRY.... CRUSADES....REVOLT OF PRINCE RICHARD....DEATH AND CHARACTER OF HENRY....MISCELLANEOUS TRANSACTIONS OF HIS REIGN.

STATE OF IRELAND.

As Britain was firſt peopled from Gaul, ſo was Ireland probably from Britain; and the inhabitants of all theſe countries ſeem to have been ſo many tribes of the Celtæ, who derive their origin from an antiquity that lies far beyond the records of any hiſtory or tradition. The Iriſh, from the beginning of time, had been buried in the moſt profound barbariſm and ignorance; and, as they were never conquered, or even invaded, by the Romans, from whom all the weſtern world derived its civility, they continued ſtill in the moſt rude ſtate of ſociety, and were diſtin-

guiſhed by thoſe vices alone to which human nature, not tamed by education, or reſtrained by laws, is for ever ſubject. The ſmall principalities, into which they were divided, exerciſed perpetual rapine and violence againſt each other; the uncertain ſucceſſion of their princes was a continual ſource of domeſtic convulſions; the uſual title of each petty ſovereign was the murderer of his predeceſſor; courage and force, though exerciſed in the commiſſion of crimes, were more honoured than any pacific virtues; and the moſt ſimple arts of life, even tillage and agriculture, were almoſt wholly unknown among them. They had felt the invaſions of the Danes and the other northern tribes; but theſe inroads, which had ſpread barbariſm in other parts of Europe, tended rather to improve the Iriſh; and the only towns which were to be found in the iſland had been planted along the coaſt by the freebooters of Norway and Denmark. The other inhabitants exerciſed paſturage in the open country; ſought protection from any danger in their foreſts and moraſſes; and, being divided by the fierceſt animoſities againſt each other, were ſtill more intent on the means of mutual injury than on the expedients for common, or even for private, intereſt.

Beſides many ſmall tribes, there were in the age of Henry II. five principal ſovereignties in the iſland; Munſter, Leinſter, Meath, Ulſter, and Connaught; and, as it had been uſual for the one or the other of theſe to take the lead in their wars, there was commonly ſome prince who ſeemed, for the time, to act as monarch of Ireland. Roderic O'Connor, king of Connaught, was then advanced to this dignity;[h] but his government, ill obeyed even within his own territory, could not unite the people in any meaſures, either for the eſtabliſhment of order, or for defence againſt foreigners. The ambition of Henry had, very early in his reign, been moved by the proſpect of theſe advantages to attempt the ſubjecting of Ireland; and a pretence was only wanting to in-

vade a people who, being always confined to their own iſland, had never given any reaſon of complaint to any of their neighbours. For this purpoſe he had recourſe to Rome, which aſſumed a right to diſpoſe of kingdoms and empires; and, not foreſeeing the dangerous diſputes which he was one day to maintain with that ſee, he helped, for preſent, or rather for an imaginary, convenience, to give ſanction to claims which were now become dangerous to all ſovereigns. Adrian III. who then filled the papal chair, was by birth an Engliſhman; and, being on that account the more diſpoſed to oblige Henry, he was eaſily perſuaded to act as maſter of the world, and to make, without any hazard or expenſe, the acquiſition of a great iſland to his ſpiritual juriſdiction. The Iriſh had, by precedent miſſions from the Britons, been imperfectly converted to Chriſtianity; and, what the pope regarded as the ſureſt mark of their imperfect converſion, they followed the doctrines of their firſt teachers, and had never acknowledged any ſubjection to the ſee of Rome. Adrian, therefore, in the year 1156, iſſued a bull in favour of Henry; in which, after premiſing that this prince had ever ſhewn an anxious care to enlarge the church of God on earth, and to increaſe the number of his ſaints and elect in heaven, he repreſents his deſign of ſubduing Ireland as derived from the ſame pious motives: he conſiders his care of previouſly applying for the apoſtolic ſanction as a ſure earneſt of ſucceſs and victory: and, having eſtabliſhed it as a point inconteſtable that all Chriſtian kingdoms belong to the patrimony of St. Peter, he acknowledges it to be his own duty to ſow among them the ſeeds of the goſpel, which might in the laſt day fructify to their eternal ſalvation: he exhorts the king to invade Ireland, in order to extirpate the vice and wickedneſs of the natives, and oblige them to pay yearly, from every houſe, a penny to the ſee of Rome: he gives him entire right and authority over the iſland;

commands all the inhabitants to obey him as their ſovereign; and inveſts with full power all ſuch godly inſtruments as he ſhould think proper to employ in an enterpriſe thus calculated for the glory of God and the ſalvation of the ſouls [i] of men. Henry, though armed with this authority, did not immediately put his deſign in execution; but, being detained by more intereſting buſineſs on the continent, waited for a favourable opportunity of invading Ireland.

Dermot Macmorrogh, king of Leinſter, had, by his licentious tyranny, rendered himſelf odious to his ſubjects; who ſeized with alacrity the firſt occaſion that offered of throwing off the yoke, which was become grievous and oppreſſive to them. This prince had formed a deſign on Dovergilda, wife of Ororic prince of Breffny; and, taking advantage of her huſband's abſence, (who, being obliged to viſit a diſtant part of his territory, had left his wife ſecure, as he thought, in an iſland ſurrounded by a bog) he ſuddenly invaded the place, and carried off the princeſs.[k] This exploit, though uſual among the Iriſh, and rather deemed a proof of gallantry and ſpirit,[l] provoked the reſentment of the huſband; who, having collected forces, and being ſtrengthened by the alliance of Roderic king of Connaught, invaded the dominions of Dermot, and expelled him his kingdom. The exiled prince had recourſe to Henry, who was at this time in Guienne; craved his aſſiſtance in reſtoring him to his ſovereignty; and offered, on that event, to hold his kingdom in vaſſalage under the crown of England. Henry, whoſe views were already turned towards making acquiſitions in Ireland, readily accepted the offer; but, being at that time embarraſſed by the rebellions of his French ſubjects, as well as by his diſputes with the ſee of Rome, he declined for the preſent embarking in the enterpriſe, and gave Dermot no farther aſſiſtance than letters patent, by which he empowered all his ſubjects to aid the Iriſh prince in the re-

covery of his dominions.[m] Dermot, ſupported by this authority, came to Briſtol; and, after endeavouring, though for ſome time in vain, to engage adventurers in the enterpriſe, he at laſt formed a treaty with Richard, ſurnamed Strongbow, earl of Strigul. This nobleman, who was of the illuſtrious houſe of Clare, had impaired his fortune by expenſive pleaſures; and, being ready for any deſperate undertaking, he promiſed aſſiſtance to Dermot, on condition that he ſhould eſpouſe Eva daughter of that prince, and be declared heir to all his dominions.[n] While Richard was aſſembling his ſuccours Dermot went into Wales; and, meeting with Robert Fitz-Stephens, conſtable of Abertivi, and Maurice Fitz-Gerald, he alſo engaged them in his ſervice, and obtained their promiſe of invading Ireland. Being now aſſured of ſuccour, he returned privately to his own ſtate; and, lurking in the monaſtery of Fernez, which he had founded (for this ruffian was alſo a founder of monaſteries), he prepared every thing for the reception of his Engliſh allies.[o]

CONQUEST OF IRELAND. 1172.

THE troops of Fitz-Stephens were firſt ready. That gentleman landed in Ireland with thirty knights, ſixty eſquires, and three hundred archers. But this ſmall body, being brave men, not unacquainted with diſcipline, and completely armed (a thing almoſt unknown in Ireland), ſtruck a great terror into the barbarous inhabitants, and ſeemed to menace them with ſome ſignal revolution. The conjunction of Maurice de Pendergaſt, who about the ſame time brought over ten knights and ſixty archers, enabled Fitz-Stephens to attempt the ſiege of Wexford, a town inhabited by the Danes; and, after gaining an advantage, he made himſelf maſter of the place.[p] Soon after, Fitz-Gerald arrived with ten knights, thirty eſquires, and a hundred [q] archers;

and, being joined by the former adventurers, compoſed a force which nothing in Ireland was able to withſtand. Roderic, the chief monarch of the iſland, was foiled in different actions; the prince of Oſſory was obliged to ſubmit, and give hoſtages for his peaceable behaviour; and Dermot, not content with being reſtored to his kingdom of Leinſter, projected the dethroning of Roderic, and aſpired to the ſole dominion over the Iriſh.

In proſecution of theſe views he ſent over a meſſenger to the earl of Strigul, challenging the performance of his promiſe, and diſplaying the mighty advantages which might now be reaped by a reinforcement of warlike troops from England. Richard, not ſatisfied with the general allowance given by Henry to all his ſubjects, went to that prince, then in Normandy; and, having obtained a cold or ambiguous permiſſion, prepared himſelf for the execution of his deſigns. He firſt ſent over Raymond, one of his retinue, with ten knights and ſeventy archers; who, landing near Waterford, defeated a body of three thouſand Iriſh that had ventured to attack him;[r] and, as Richard himſelf, who brought over two hundred horſe and a body of archers, joined, a few days after, the victorious Engliſh, they made themſelves maſters of Waterford, and proceeded to Dublin, which was taken by aſſault. Roderic, in revenge, cut off the head of Dermot's natural ſon, who had been left as a hoſtage in his hands; and Richard, marrying Eva, became ſoon after, by the death of Dermot, maſter of the kingdom of Leinſter, and prepared to extend his authority over all Ireland. Roderic and the other Iriſh princes were alarmed at the danger; and, combining together, beſieged Dublin with an army of thirty thouſand men: but earl Richard, making a ſudden ſally at the head of ninety knights with their followers, put this numerous army to rout, chaſed them off the field, and purſued them with great ſlaughter. None in Ireland now dared to oppoſe themſelves to the Engliſh.[s]

Henry, jealous of the progreſs made by his own ſubjects, ſent orders to recall all the Engliſh, and he made preparations to attack Ireland in perſon.[t] But Richard, and the other adventurers, found means to appeaſe him, by making him the moſt humble ſubmiſſions, and offering to hold all their acquiſitions in vaſſalage to his crown.[u] That monarch landed in Ireland at the head of five hundred knights, beſides other ſoldiers. He found the Iriſh ſo diſpirited by their late misfortunes that, in a progreſs which he made through the iſland, he had no other occupation than to receive the homage of his new ſubjects. He left moſt of the Iriſh chieftains, or princes, in poſſeſſion of their ancient territories; beſtowed ſome lands on the Engliſh adventurers; gave earl Richard the commiſſion of ſeneſchal of Ireland; and, after a ſtay of a few months, returned in triumph to England. By theſe trivial exploits, ſcarcely worth relating, except for the importance of the conſequences, was Ireland ſubdued, and annexed to the Engliſh crown.

The low ſtate of commerce and induſtry during thoſe ages made it impracticable for princes to ſupport regular armies, which might retain a conquered country in ſubjection; and the extreme barbariſm and poverty of Ireland could ſtill leſs afford means of bearing the expenſe. The only expedient, by which a durable conqueſt could then be made or maintained, was by pouring in a multitude of new inhabitants, dividing among them the lands of the vanquiſhed, eſtabliſhing them in all offices of truſt and authority, and thereby transforming the ancient inhabitants into a new people. By this policy the northern invaders of old, and of late the duke of Normandy, had been able to fix their dominion; and to erect kingdoms, which remained ſtable on their foundations, and were tranſmitted to the poſterity of the firſt conquerors. But the ſtate of Ireland rendered that iſland ſo little inviting to the Engliſh, that only a few of deſpe-

rate fortunes could be perſuaded, from time to time, to tranſport themſelves thither;[x] and, inſtead of reclaiming the natives from their uncultivated manners, they were gradually aſſimilated to the ancient inhabitants, and degenerated from the cuſtoms of their own nation. It was alſo found requiſite to beſtow great military and arbitrary powers on the leaders, who commanded a handful of men amidſt ſuch hoſtile multitudes; and law and equity, in a little time, became as much unknown in the Engliſh ſettlements as they had ever been among the Iriſh tribes. Palatinates were erected in favour of the new adventurers; independent authority conferred; the natives, never fully ſubdued, ſtill retained their animoſity againſt the conquerors; their hatred was retaliated by like injuries; and from theſe cauſes the Iriſh, during the courſe of four centuries, remained ſtill ſavage and untractable. It was not till the latter end of Elizabeth's reign that the iſland was fully ſubdued; nor till that of her ſucceſſor that it gave hopes of becoming a uſeful conqueſt to the Engliſh nation.

THE KING'S ACCOMMODATION WITH ROME.

Besides that the eaſy and peaceable ſubmiſſion of the Iriſh left Henry no farther occupation in that iſland, he was recalled from it by another incident, which was of the laſt importance to his intereſt and ſafety. The two legates Albert and Theodin, to whom was committed the trial of his conduct in the murder of archbiſhop Becket, were arrived in Normandy; and, being impatient of delay, ſent him frequent letters, full of menaces if he protracted any longer making his appearance[y] before them. He haſtened, therefore, to Normandy, and had a conference with them at Savigny; where their demands were ſo exorbitant that he broke off the negociation, threatened to return to Ireland,

and bade them do their worſt againſt him. They perceived that the ſeaſon was now paſt for taking advantage of that tragical incident; which, had it been hotly purſued by interdicts and excommunications, was capable of throwing the whole kingdom into combuſtion. But the time which Henry had happily gained had contributed to appeaſe the minds of men; the event could not now have the ſame influence as when it was recent; and, as the clergy every day looked for an accommodation with the king, they had not oppoſed the pretenſions of his partiſans, who had been very induſtrious in repreſenting to the people his entire innocence in the murder of the primate, and his ignorance of the deſigns formed by the aſſaſſins. The legates, therefore, found themſelves obliged to lower their terms; and Henry was ſo fortunate as to conclude an accommodation with them. He declared upon oath, before the reliques of the ſaints, that, ſo far from commanding or deſiring the death of the archbiſhop, he was extremely grieved when he received intelligence of it; but, as the paſſion which he had expreſſed on account of that prelate's conduct had probably been the occaſion of his murder, he ſtipulated the following conditions as an atonement for the offence. He promiſed that he ſhould pardon all ſuch as had been baniſhed for adhering to Becket, and ſhould reſtore them to their livings; that the ſee of Canterbury ſhould be reinſtated in all its ancient poſſeſſions; that he ſhould pay the templars a ſum of money ſufficient for the ſubſiſtence of two hundred knights during a year in the holy land; that he ſhould himſelf take the croſs at the Chriſtmas following, and, if the pope required it, ſerve three years againſt the infidels either in Spain or Paleſtine; that he ſhould not inſiſt on the obſervance of ſuch cuſtoms, derogatory to eccleſiaſtical privileges, as had been introduced in his own time; and that he ſhould not obſtruct appeals to the pope in eccleſiaſtical cauſes, but ſhould content

himſelf with exacting ſufficient ſecurity from ſuch clergymen as left his dominions to proſecute an appeal, that they ſhould attempt nothing againſt the rights of his crown.[z] Upon ſigning theſe conceſſions Henry received abſolution from the legates, and was confirmed in the grant of Ireland made by pope [a] Adrian; and nothing proves more ſtrongly the great abilities of this monarch, than his extricating himſelf on ſuch eaſy terms from ſo difficult a ſituation. He had always inſiſted that the laws eſtabliſhed at Clarendon contained not any new claims, but the ancient cuſtoms of the kingdom; and he was ſtill at liberty, notwithſtanding the articles of this agreement, to maintain his pretenſions. Appeals to the pope were indeed permitted by that treaty; but, as the king was alſo permitted to exact reaſonable ſecurities from the parties, and might ſtretch his demands on this head as far as he pleaſed, he had it virtually in his power to prevent the pope from reaping any advantage by this ſeeming conceſſion. And, on the whole, the conſtitutions of Clarendon remained ſtill the law of the realm; though the pope and his legates ſeem ſo little to have conceived the king's power to lie under any legal limitations, that they were ſatisfied with his departing, by treaty, from one of the moſt momentous articles of theſe conſtitutions, without requiring any repeal by the ſtates of the kingdom.

Henry, freed from this dangerous controverſy with the eccleſiaſtics and with the ſee of Rome, ſeemed now to have reached the pinnacle of human grandeur and felicity, and to be equally happy in his domeſtic ſituation and in his political government. A numerous progeny of ſons and daughters gave both luſtre and authority to his crown, prevented the dangers of a diſputed ſucceſſion, and repreſſed all pretenſions of the ambitious barons. The king's precaution alſo, in eſtabliſhing the ſeveral branches of his family, ſeemed well calculated to pre-

vent all jealouſy among the brothers, and to perpetuate the greatneſs of his family. He had appointed Henry, his eldeſt ſon, to be his ſucceſſor in the kingdom of England, the duchy of Normandy, and the counties of Anjou, Maine, and Touraine; territories which lay contiguous, and which by that means might eaſily lend to each other mutual aſſiſtance, both againſt inteſtine commotions and foreign invaſions. Richard, his ſecond ſon, was inveſted in the duchy of Guienne and county of Poictou. Geoffrey, his third ſon, inherited, in right of his wife, the duchy of Brittany. And the new conqueſt of Ireland was deſtined for the appanage of John, his fourth ſon. He had alſo negociated, in favour of this laſt prince, a marriage with Adelais, the only daughter of Humbert count of Savoy and Maurienne; and was to receive as her dowry conſiderable demeſnes in Piedmont, Savoy, Breſſe, and Dauphiny.[b] But this exaltation of his family excited the jealouſy of all his neighbours, who made thoſe very ſons, whoſe fortunes he had ſo anxiouſly eſtabliſhed, the means of imbittering his future life and diſturbing his government.

Young Henry, who was riſing to man's eſtate, began to diſplay his character and aſpire to independence. Brave, ambitious, liberal, munificent, affable; he diſcovered qualities which gave great luſtre to youth; prognoſticate a ſhining fortune; but, unleſs tempered in mature age with diſcretion, are the forerunner of the greateſt calamities.[c] It is ſaid that, at the time when this prince received the royal unction, his father, in order to give greater dignity to the ceremony, officiated at table as one of the retinue; and obſerved to his ſon that never king was more royally ſerved. 'It is nothing extraordinary,' ſaid young Henry to one of his courtiers, 'if the ſon of a count ſhould ſerve the ſon of a king.' This ſaying, which might paſs only for an innocent pleaſantry, or even for an oblique compliment to

his father, was however regarded as a ſymptom of his aſpiring temper; and his conduct ſoon after juſtified the conjecture.

REVOLT OF YOUNG HENRY, &c. 1173.

HENRY, agreeably to the promiſe which he had given both to the pope and French king, permitted his ſon to be crowned anew by the hands of the archbiſhop of Rouen; and aſſociated the princeſs Margaret, ſpouſe to young Henry, in the ceremony.[d] He afterwards allowed him to pay a viſit to his father-in-law at Paris, who took the opportunity of inſtilling into the young prince thoſe ambitious ſentiments to which he was naturally but too much inclined.[e] Though it had been the conſtant practice of France, ever ſince the acceſſion of the Capetian line, to crown the ſon during the lifetime of the father, without conferring on him any preſent participation of royalty, Lewis perſuaded his ſon-in-law that by this ceremony, which in thoſe ages was deemed ſo important, he had acquired a title to ſovereignty, and that the king could not, without injuſtice, exclude him from immediate poſſeſſion of the whole, or at leaſt a part, of his dominions. In conſequence of theſe extravagant ideas young Henry, on his return, deſired the king to reſign to him either the crown of England or the duchy of Normandy; diſcovered great diſcontent on the refuſal; ſpake in the moſt undutiful terms of his father; and ſoon after, in concert with Lewis, made his eſcape to Paris, where he was protected and ſupported by that monarch.

While Henry was alarmed at this incident, and had the proſpect of dangerous intrigues, or even of a war, (which, whether ſucceſsful or not, muſt be extremely calamitous and diſagreeable to him) he received intelligence of new misfortunes, which muſt have affected him in the moſt ſenſible manner. Queen Eleanor,

who had diſguſted her firſt huſband by her gallantries, was no leſs offenſive to her ſecond by her jealouſy; and after this manner carried to extremity, in the different periods of her life, every circumſtance of female weakneſs. She communicated her diſcontents againſt Henry to her two younger ſons Geoffrey and Richard; perſuaded them that they were alſo entitled to preſent poſſeſſion of the territories aſſigned to them; engaged them to fly ſecretly to the court of France; and was meditating herſelf an eſcape to the ſame court, and had even put on man's apparel for that purpoſe, when ſhe was ſeized by orders from her huſband, and thrown into confinement. Thus Europe ſaw with aſtoniſhment the beſt and moſt indulgent of parents at war with his whole family; three boys, ſcarcely arrived at the age of puberty, require a great monarch, in the full vigour of his age and height of his reputation, to dethrone himſelf in their favour; and ſeveral princes not aſhamed to ſupport them in theſe unnatural and abſurd pretenſions.

Henry, reduced to this perilous and diſagreeable ſituation, had recourſe to the court of Rome. Though ſenſible of the danger attending the interpoſition of eccleſiaſtical authority in temporal diſputes, he applied to the pope as his ſuperior lord to excommunicate his enemies, and by theſe cenſures to reduce to obedience his undutiful children, whom he found ſuch reluctance to puniſh by the ſword of the magiſtrate.[f] Alexander, well pleaſed to exert his power in ſo juſtifiable a cauſe, iſſued the bulls required of him. But it was ſoon found that theſe ſpiritual weapons had not the ſame force as when employed in a ſpiritual controverſy, and that the clergy were very negligent in ſupporting a ſentence which was nowiſe calculated to promote the immediate intereſts of their order. The king, after taking in vain this humiliating ſtep, was obliged to have recourſe to arms, and to inliſt ſuch auxiliaries as are the uſual

reſource of tyrants, and have ſeldom been employed by ſo wiſe and juſt a monarch.

The looſe government which prevailed in all the ſtates of Europe, the many private wars carried on among the neighbouring nobles, and the impoſſibility of enforcing any general execution of the laws, had encouraged a tribe of banditti to diſturb every where the public peace, to infeſt the highways, to pillage the open country, and to brave all the efforts of the civil magiſtrate, and even the excommunications of the church which were fulminated againſt them.[g] Troops of them were ſometimes inliſted in the ſervice of one prince or baron, ſometimes in that of another: they often acted in an independent manner, under leaders of their own. The peaceable and induſtrious inhabitants, reduced to poverty by their ravages, were frequently obliged, for ſubſiſtence, to betake themſelves to a like diſorderly courſe of life: and a continual inteſtine war, pernicious to induſtry, as well as to the execution of juſtice, was thus carried on in the bowels of every kingdom.[h] Thoſe deſperate ruffians received the name ſometimes of Brabançons, ſometimes of Routiers or Cottereaux; but for what reaſon is not agreed by hiſtorians; and they formed a kind of ſociety or government among themſelves, which ſet at defiance the reſt of mankind. The greateſt monarchs were not aſhamed, on occaſion, to have recourſe to their aſſiſtance; and, as their habits of war and depredation had given them experience, hardineſs, and courage, they generally compoſed the moſt formidable part of thoſe armies which decided the political quarrels of princes. Several of them were inliſted among the forces levied by Henry's enemies;[i] but the great treaſures amaſſed by that prince enabled him to engage more numerous troops of them in his ſervice; and the ſituation of his affairs rendered even ſuch banditti the only forces on whoſe fidelity he could repoſe any confidence.

His licentious barons, diſguſted with a vigilant government, were more deſirous of being ruled by young princes, ignorant of public affairs, remiſs in their conduct, and profuſe in their grants;[k] and, as the king had enſured to his ſons the ſucceſſion to every particular province of his dominions, the nobles dreaded no danger in adhering to thoſe who they knew muſt ſome time become their ſovereigns. Prompted by theſe motives, many of the Norman nobility had deſerted to his ſon Henry. The Breton and Gaſcon barons ſeemed equally diſpoſed to embrace the quarrel of Geoffrey and Richard. Diſaffection had crept in among the Engliſh; and the earls of Leiceſter and Cheſter, in particular, had openly declared againſt the king. Twenty thouſand Brabançons, therefore, joined to ſome troops which he brought over from Ireland, and a few barons of approved fidelity, formed the ſole force with which he intended to reſiſt his enemies.

Lewis, in order to bind the confederates in a cloſer union, ſummoned at Paris an aſſembly of the chief vaſſals of the crown, received their approbation of his meaſures, and engaged them by oath to adhere to the cauſe of young Henry. This prince, in return, bound himſelf by a like tie never to deſert his French allies; and, having made a new great ſeal, he laviſhly diſtributed among them many conſiderable parts of thoſe territories which he purpoſed to conquer from his father. The counts of Flanders, Boulogne, Blois, and Eu, partly moved by the general jealouſy ariſing from Henry's power and ambition, partly allured by the proſpect of reaping advantage from the inconſiderate temper and the neceſſities of the young prince, declared openly in favour of the latter. William, king of Scotland, had alſo entered into this great confederacy; and a plan was concerted for a general invaſion on different parts of the king's extenſive and factious dominions.

Hoſtilities were firſt commenced by the counts of Flanders and Boulogne on the frontiers of Normandy. Thoſe princes laid ſiege to Aumale, which was delivered into their hands by the treachery of the count of that name. This nobleman ſurrendered himſelf priſoner; and, on pretence of thereby paying his ranſom, opened the gates of all his other fortreſſes. The two counts next beſieged and made themſelves maſters of Drincourt: but the count of Boulogne was here mortally wounded in the aſſault; and this incident put ſome ſtop to the progreſs of the Flemiſh arms.

In another quarter the king of France, being ſtrongly aſſiſted by his vaſſals, aſſembled a great army of ſeven thouſand knights and their followers on horſeback, and a proportionable number of infantry: carrying young Henry along with him, he laid ſiege to Verneuil, which was vigorouſly defended by Hugh de Lacy and Hugh de Beauchamp, the governors. After he had lain a month before the place, the garriſon, being ſtraitened for proviſions, were obliged to capitulate; and they engaged, if not relieved within three days, to ſurrender the town, and to retire into the citadel. On the laſt of theſe days Henry appeared with his army upon the heights above Verneuil. Lewis, dreading an attack, ſent the archbiſhop of Sens and the count of Blois to the Engliſh camp, and deſired that next day ſhould be appointed for a conference, in order to eſtabliſh a general peace, and terminate the difference between Henry and his ſons. The king, who paſſionately deſired this accommodation, and ſuſpected no fraud, gave his conſent; but Lewis that morning, obliging the garriſon to ſurrender according to the capitulation, ſet fire to the place, and began to retire with his army. Henry, provoked at this artifice, attacked the rear with vigour, put them to rout, did ſome execution, and took ſeveral priſoners. The French army, as their time of ſervice was now expired, im-

mediately diſperſed themſelves into their ſeveral provinces; and left Henry free to proſecute his advantages againſt his other enemies.

The nobles of Brittany, inſtigated by the earl of Cheſter and Ralph de Fougeres, were all in arms; but their progreſs was checked by a body of Brabançons, which the king, after Lewis's retreat, had ſent againſt them. The two armies came to an action near Dol; where the rebels were defeated, fifteen hundred killed on the ſpot, and the leaders, the earls of Cheſter and Fougeres, obliged to take ſhelter in the town of Dol. Henry haſtened to form the ſiege of that place, and carried on the attack with ſuch ardour that he obliged the governor and garriſon to ſurrender themſelves priſoners. By theſe vigorous meaſures and happy ſucceſſes the inſurrections were entirely quelled in Brittany; and the king, thus fortunate in all quarters, willingly agreed to a conference with Lewis, in hopes that his enemies, finding all their mighty efforts entirely fruſtrated, would terminate hoſtilities on ſome moderate and reaſonable conditions.

The two monarchs met between Trie and Giſors; and Henry had here the mortification to ſee his three ſons in the retinue of his mortal enemy. As Lewis had no other pretence for war than ſupporting the claims of the young princes, the king made them ſuch offers as children might be aſhamed to inſiſt on, and could be extorted from him by nothing but his parental affection, or by the preſent neceſſity of his affairs.[1] He inſiſted only on retaining the ſovereign authority in all his dominions; but offered young Henry half the revenues of England, with ſome places of ſurety in that kingdom; or, if he rather choſe to reſide in Normandy, half the revenues of that duchy, with all thoſe of Anjou. He made a like offer to Richard in Guienne. He promiſed to reſign Brittany to Geoffrey. And, if theſe con-

ceſſions were not deemed ſufficient, he agreed to add to them whatever the pope's legates, who were preſent, ſhould require of him.[m] The earl of Leiceſter was alſo preſent at the negociation; and, either from the impetuoſity of his temper, or from a view of abruptly breaking off a conference which muſt cover the allies with confuſion, he gave vent to the moſt violent reproaches againſt Henry; and he even put his hand to his ſword, as if he meant to attempt ſome violence againſt him. This furious action threw the whole company into confuſion, and put an end to the treaty.[n]

The chief hopes of Henry's enemies ſeemed now to depend on the ſtate of affairs in England, where his authority was expoſed to the moſt imminent danger. One article of prince Henry's agreement with his foreign confederates was, that he ſhould reſign Kent, with Dover, and all its other fortreſſes, into the hands of the earl of Flanders.[o] Yet ſo little national or public ſpirit prevailed among the independent Engliſh nobility, ſo wholly bent were they on the aggrandizement each of himſelf and his own family, that, notwithſtanding this pernicious conceſſion, which muſt have produced the ruin of the kingdom, the greater part of them had conſpired to make an inſurrection, and to ſupport the prince's pretenſions. The king's principal reſource lay in the church and the biſhops, with whom he was now in perfect agreement; whether that the decency of their character made them aſhamed of ſupporting ſo unnatural a rebellion, or that they were entirely ſatisfied with Henry's atonement for the murder of Becket, and for his former invaſion of eccleſiaſtical immunities. That prince, however, had reſigned none of the eſſential rights of his crown in the accommodation; he maintained ſtill the ſame prudent jealouſy of the court of Rome; admitted no legate into England, without his ſwearing to attempt nothing againſt the royal prerogatives; and he had even obliged

the monks of Canterbury, who pretended to a free election on the vacancy made by the death of Becket, to chooſe Roger, prior of Dover, in the place of that turbulent prelate.[p]

WAR WITH SCOTLAND.

THE king of Scotland made an irruption into Northumberland, and committed great devaſtations; but, being oppoſed by Richard de Lucy, whom Henry had left guardian of the realm, he retreated into his own country, and agreed to a ceſſation of arms. This truce enabled the guardian to march ſouthward with his army, in order to oppoſe an invaſion which the earl of Leiceſter, at the head of a great body of Flemings, had made upon Suffolk. The Flemings had been joined by Hugh Bigod, who made them maſters of his caſtle of Framlingham; and, marching into the heart of the kingdom, where they hoped to be ſupported by Leiceſter's vaſſals, they were met by Lucy, who, aſſiſted by Humphry Bohun the conſtable, and the earls of Arundel, Gloceſter, and Cornwall, had advanced to Farnham with a leſs numerous, but braver, army to oppoſe them. The Flemings, who were moſtly weavers and artificers (for manufactures were now beginning to be eſtabliſhed in Flanders), were broken in an inſtant, ten thouſand of them were put to the ſword, the earl of Leiceſter was taken priſoner, and the remains of the invaders were glad to compound for a ſafe retreat into their own country.

This great defeat did not diſhearten the malcontents; who, being ſupported by the alliance of ſo many foreign princes, and encouraged by the king's own ſons, determined to perſevere in their enterpriſe. The earl of Ferrars, Roger de Moubray, Architel de Mallory, Richard de Morreville, Hamo de Maſcie, together with many friends of the earls of Leiceſter and Cheſter, roſe in

arms. The fidelity of the earls of Clare and Gloceſter was ſuſpected; and the guardian, though vigorouſly ſupported by Geoffrey biſhop of Lincoln, the king's natural ſon by the fair Roſamond, found it difficult to defend himſelf on all quarters from ſo many open and concealed enemies. The more to augment the confuſion, the king of Scotland, on the expiration of the truce, broke into the northern provinces with a great [q] army of eighty thouſand men; which, though undiſciplined and diſorderly, and better fitted for committing devaſtation than for executing any military enterpriſe, was become dangerous from the preſent factious and turbulent ſpirit of the kingdom.

PENANCE OF HENRY FOR BECKET'S MURDER. 1174.

HENRY, who had baffled all his enemies in France, and had put his frontiers in a poſture of defence, now found England the ſeat of danger; and he determined by his preſence to overawe the malcontents, or by his conduct and courage to ſubdue them. He landed at Southampton; and, knowing the influence of ſuperſtition over the minds of the people, he haſtened to Canterbury, in order to make atonement to the aſhes of Thomas a Becket, and tender his ſubmiſſions to a dead enemy. As ſoon as he came within ſight of the church of Canterbury he diſmounted, walked barefoot towards it, proſtrated himſelf before the ſhrine of the ſaint, remained in faſting and prayer during a whole day, and watched all night the holy reliques. Not content with this hypocritical devotion towards a man whoſe violence and ingratitude had ſo long diſquieted his government, and had been the object of his moſt inveterate animoſity, he ſubmitted to a penance ſtill more ſingular and humiliating. He aſſembled a chapter of the monks, diſrobed himſelf before them, put a ſcourge of diſcipline into the hands of each, and preſented

his bare ſhoulders to the laſhes which theſe eccleſiaſtics ſucceſſively inflicted upon him. Next day he received abſolution; and, departing for London, got ſoon after the agreeable intelligence of a great victory which his generals had obtained over the Scots; and which, being gained, as was reported, on the very day of his abſolution, was regarded as the earneſt of his final reconciliation with Heaven and with Thomas a Becket.

KING OF SCOTLAND TAKEN PRISONER.

WILLIAM king of Scots, though repulſed before the caſtle of Prudhow and other fortified places, had committed the moſt horrible depredations upon the northern provinces: but, on the approach of Ralph de Glanville, the famous juſticiary, ſeconded by Barnard de Baliol, Robert de Stuteville, Odonel de Umfreville, William de Veſci, and other northern barons, together with the gallant biſhop of Lincoln, he thought proper to retreat nearer his own country, and he fixed his camp at Alnwic. He had here weakened his army extremely, by ſending out numerous detachments in order to extend his ravages; and he lay abſolutely ſafe, as he imagined, from any attack of the enemy. But Glanville, informed of his ſituation, made a haſty and fatiguing march to Newcaſtle; and, allowing his ſoldiers only a ſmall interval for refreſhment, he immediately ſet out towards evening for Alnwic. He marched that night above thirty miles; arrived in the morning, under cover of a miſt, near the Scottiſh camp; and, regardleſs of the great numbers of the enemy, he began the attack with his ſmall, but determined, body of cavalry. William was living in ſuch ſupine ſecurity that he took the Engliſh, at firſt, for a body of his own ravagers, who were returning to the camp: but, the ſight of their banners convincing him of his miſtake, he entered on the action with no greater body than

a hundred horſe, in confidence that the numerous army which ſurrounded him would ſoon haſten to his relief. He was diſmounted on the firſt ſhock, and taken priſoner; while his troops, hearing of this diſaſter, fled on all ſides with the utmoſt precipitation. The diſperſed ravagers made the beſt of their way to their own country; and, diſcord ariſing among them, they proceeded even to mutual hoſtilities, and ſuffered more from each other's ſword than from that of the enemy.

This great and important victory proved at laſt deciſive in favour of Henry, and entirely broke the ſpirit of the Engliſh rebels. The biſhop of Durham, who was preparing to revolt, made his ſubmiſſions; Hugh Bigod, though he had received a ſtrong reinforcement of Flemings, was obliged to ſurrender all his caſtles, and throw himſelf on the king's mercy; no better reſource was left to the earl of Ferrars and Roger de Moubray; the inferior rebels imitating the example, all England was reſtored to tranquillity in a few weeks; and, as the king appeared to lie under the immediate protection of Heaven, it was deemed impious any longer to reſiſt him. The clergy exalted anew the merits and powerful interceſſion of Becket; and Henry, inſtead of oppoſing this ſuperſtition, plumed himſelf on the new friendſhip of the ſaint, and propagated an opinion which was ſo favourable to his intereſts.[r]

Prince Henry, who was ready to embark at Gravelines with the earl of Flanders and a great army, hearing that his partiſans in England were ſuppreſſed, abandoned all thoughts of the enterpriſe, and joined the camp of Lewis; who, during the abſence of the king, had made an irruption into Normandy, and had laid ſiege to Rouen.[s] The place was defended with great vigour by the inhabitants;[t] and Lewis, deſpairing of ſucceſs by open force, tried to gain the town by a ſtratagem which, in that ſuperſtitious age, was deemed not very honourable. He proclaimed

in his own camp a ceſſation of arms, on pretence of celebrating the feſtival of St. Laurence; and, when the citizens, ſuppoſing themſelves in ſafety, were ſo imprudent as to remit their guard, he purpoſed to take advantage of their ſecurity. Happily ſome prieſts had, from mere curioſity, mounted a ſteeple, where the alarm-bell hung; and, obſerving the French camp in motion, they immediately rang the bell, and gave warning to the inhabitants, who ran to their ſeveral ſtations. The French, who, on hearing the alarm, hurried to the aſſault, had already mounted the walls in ſeveral places; but, being repulſed by the enraged citizens, were obliged to retreat with conſiderable loſs.[a] Next day Henry, who had haſtened to the defence of his Norman dominions, paſſed over the bridge in triumph, and entered Rouen in ſight of the French army. The city was now in abſolute ſafety; and the king, in order to brave the French monarch, commanded the gates, which had been walled up, to be opened; and he prepared to puſh his advantages againſt the enemy. Lewis ſaved himſelf from this perilous ſituation by a new piece of deceit, not ſo juſtifiable. He propoſed a conference for adjuſting the terms of a general peace, which he knew would be greedily embraced by Henry; and, while the king of England truſted to the execution of his promiſe, he made a retreat with his army into France.

THE KING'S ACCOMMODATION WITH HIS SONS.

THERE was, however, a neceſſity on both ſides for an accommodation. Henry could no longer bear to ſee his three ſons in the hands of his enemy; and Lewis dreaded leſt this great monarch, victorious in all quarters, crowned with glory, and abſolute maſter of his dominions, might take revenge for the many dangers and diſquietudes which the arms, and ſtill more the

intrigues, of France had, in his diſputes both with Becket and his ſons, found means to raiſe him. After making a ceſſation of arms, a conference was agreed on near Tours; where Henry granted his ſons much leſs advantageous terms than he had formerly offered; and he received their ſubmiſſions. The moſt material of his conceſſions were ſome penſions which he ſtipulated to pay them, and ſome caſtles which he granted them for the place of their reſidence; together with an indemnity for all their adherents, who were reſtored to their eſtates and honours.[x]

Of all thoſe who had embraced the cauſe of the young prince, William king of Scotland was the only conſiderable loſer by that invidious and unjuſt enterpriſe. Henry delivered from confinement, without exacting any ranſom, about nine hundred knights whom he had taken priſoners; but it coſt William the ancient independency of his crown as the price of his liberty. He ſtipulated to do homage to Henry for Scotland and all his other poſſeſſions; he engaged that all the barons and nobility of his kingdom ſhould alſo do homage; that the biſhops ſhould take an oath of fealty; that both ſhould ſwear to adhere to the king of England againſt their native prince, if the latter ſhould break his engagements; and that the fortreſſes of Edinburgh, Stirling, Berwick, Roxborough, and Jedborough, ſhould be delivered into Henry's hands till the performance of articles.[y] This ſevere and humiliating treaty was executed in its full rigour. William, being releaſed, brought up all his barons, prelates, and abbots; and they did homage to Henry in the cathedral of York, and acknowledged him and his ſucceſſors for their ſuperior [z] lord. The Engliſh monarch ſtretched ſtill farther the rigour of the conditions which he exacted. He engaged the king and ſtates of Scotland to make a perpetual ceſſion of the fortreſſes of Berwick and Roxborough, and to allow the caſtle of Edinburgh to

remain in his hands for a limited time. This was the firſt great aſcendant which England obtained over Scotland; and indeed the firſt important tranſaction which had paſſed between the kingdoms. Few princes have been ſo fortunate as to gain conſiderable advantages over their weaker neighbours with leſs violence and injuſtice than was practiſed by Henry againſt the king of Scots, whom he had taken priſoner in battle, and who had wantonly engaged in a war, in which all the neighbours of that prince, and even his own family, were, without provocation, combined againſt him.[a]

KING'S EQUITABLE ADMINISTRATION. 1175.

Henry, having thus, contrary to expectation, extricated himſelf with honour from a ſituation in which his throne was expoſed to great danger, was employed for ſeveral years in the adminiſtration of juſtice, in the execution of the laws, and in guarding againſt thoſe inconveniences which either the paſt convulſions of his ſtate, or the political inſtitutions of that age, unavoidably occaſioned. The proviſions which he made ſhew ſuch largeneſs of thought as qualified him for being a legiſlator; and they were commonly calculated as well for the future as the preſent happineſs of his kingdom.

He enacted ſevere penalties againſt robbery, murder, falſe coining, arſon; and ordained that theſe crimes ſhould be puniſhed by the amputation of the right hand and right foot.[b] The pecuniary commutation for crimes, which has a falſe appearance of lenity, had been gradually diſuſed; and ſeems to have been entirely aboliſhed by the rigour of theſe ſtatutes. The ſuperſtitious trial by water ordeal, though condemned by the [c] church, ſtill ſubſiſted; but Henry ordained that any man accuſed of murder, or any heinous felony, by the oath of the legal knights of

the county, ſhould, even though acquitted by the ordeal, be obliged to abjure the realm.[d]

All advances towards reaſon and good ſenſe are ſlow and gradual. Henry, though ſenſible of the great abſurdity attending the trial by duel or battle, did not venture to aboliſh it; he only admitted either of the parties to challenge a trial by an aſſize or jury of twelve freeholders.[e] This latter method of trial ſeems to have been very ancient in England, and was fixed by the laws of king Alfred. But the barbarous and violent genius of the age had of late given more credit to the trial by battle, which had become the general method of deciding all important controverſies. It was never aboliſhed by law in England; and there is an inſtance of it ſo late as the reign of Elizabeth. But the inſtitution revived by this king, being found more reaſonable and more ſuitable to a civilized people, gradually prevailed over it.

The partition of England into four diviſions, and the appointment of itinerant juſtices to go the circuit in each diviſion, and to decide the cauſes in the counties, was another important ordinance of this prince, which had a direct tendency to curb the oppreſſive barons, and to protect the inferior gentry and common people in their property.[f] Thoſe juſtices were either prelates or conſiderable noblemen; who, beſides carrying the authority of the king's commiſſion, were able, by the dignity of their own character, to give weight and credit to the laws.

That there might be fewer obſtacles to the execution of juſtice, the king was vigilant in demoliſhing all the new erected caſtles of the nobility in England as well as in his foreign dominions; and he permitted no fortreſs to remain in the cuſtody of thoſe whom he found reaſon to ſuſpect.[g]

But, leſt the kingdom ſhould be weakened by this demolition of the fortreſſes, the king fixed an aſſize of arms, by which all

his ſubjects were obliged to put themſelves in a ſituation for defending themſelves and the realm. Every man poſſeſſed of a knight's fee was ordained to have for each fee a coat of mail, a helmet, a ſhield, and a lance; every free layman, poſſeſſed of goods to the value of ſixteen marks, was to be armed in like manner; every one that poſſeſſed ten marks was obliged to have an iron gorget, a cap of iron, and a lance; all burgeſſes were to have a cap of iron, a lance, and a wambais; that is, a coat quilted with wool, tow, or ſuch like materials.[h] It appears that archery, for which the Engliſh were afterwards ſo renowned, had not at this time become very common among them. The ſpear was the chief weapon employed in battle.

The clergy and the laity were, during that age, in a ſtrange ſituation with regard to each other, and ſuch as may ſeem totally incompatible with a civilized, and indeed with any ſpecies of government. If a clergyman were guilty of murder, he could be puniſhed by degradation only: if he were murdered, the murderer was expoſed to nothing but excommunication and eccleſiaſtical cenſures; and the crime was atoned for by penances and ſubmiſſion.[i] Hence the aſſaſſins of Thomas a Becket himſelf, though guilty of the moſt atrocious wickedneſs, and the moſt repugnant to the ſentiments of that age, lived ſecurely in their own houſes, without being called to account by Henry himſelf; who was ſo much concerned, both in honour and intereſt, to puniſh that crime, and who profeſſed, or affected, on all occaſions, the moſt extreme abhorrence of it. It was not till they found their preſence ſhunned by every one as excommunicated perſons that they were induced to take a journey to Rome, to throw themſelves at the feet of the pontiff, and to ſubmit to the penances impoſed upon them: after which they continued to poſſeſs, without moleſtation, their honours and fortunes; and ſeem even to have recovered the countenance and

good opinion of the public. But, as the king, by the conſtitutions of Clarendon, which he endeavoured ſtill to maintain,[k] had ſubjected the clergy to a trial by the civil magiſtrate, it ſeemed but juſt to give them the protection of that power to which they owed obedience. It was enacted that the murderers of clergymen ſhould be tried before the juſticiary, in the preſence of the biſhop or his official; and, beſides the uſual puniſhment for murder, ſhould be ſubjected to a forfeiture of their eſtates and a confiſcation of their goods and chattels.[l]

The king paſſed an equitable law, that the goods of a vaſſal ſhould not be ſeized for the debt of his lord, unleſs the vaſſal be ſurety for the debt; and that the rents of vaſſals ſhould be paid to the creditors of the lord, not to the lord himſelf. It is remarkable that this law was enacted by the king in a council which he held at Verneuil, and which conſiſted of ſome prelates and barons of England, as well as ſome of Normandy, Poictou, Anjou, Maine, Touraine, and Brittany; and the ſtatute took place in all theſe laſt mentioned territories,[m] though totally unconnected with each other.[n] A certain proof how irregular the ancient feudal government was, and how near the ſovereigns, in ſome inſtances, approached to deſpotiſm, though in others they ſeemed ſcarcely to poſſeſs any authority. If a prince much dreaded and revered, like Henry, obtained but the appearance of general conſent to an ordinance which was equitable and juſt, it became immediately an eſtabliſhed law, and all his ſubjects acquieſced in it. If the prince was hated or deſpiſed, if the nobles who ſupported him had ſmall influence, if the humours of the times diſpoſed the people to queſtion the juſtice of his ordinance, the fulleſt and moſt authentic aſſembly had no authority. Thus all was confuſion and diſorder; no regular idea of a conſtitution; force and violence decided every thing.

LEWIS VII. KING OF FRANCE BEFORE BECKET'S TOMB.

The ſucceſs which had attended Henry in his wars did not much encourage his neighbours to form any attempt againſt him; and his tranſactions with them, during ſeveral years, contain little memorable. Scotland remained in that ſtate of feudal ſubjection to which he had reduced it, and gave him no farther inquietude. He ſent over his fourth ſon, John, into Ireland, with a view of making a more complete conqueſt of the iſland; but the petulance and incapacity of this prince, by which he enraged the Iriſh chieftains, obliged the king ſoon after to recall him.[o] The king of France had fallen into an abject ſuperſtition; and was induced, by a devotion more ſincere than that of Henry, to make a pilgrimage to the tomb of Becket, in order to obtain his interceſſion for the cure of Philip, his eldeſt ſon. He probably thought himſelf well entitled to the favour of that ſaint on account of their ancient intimacy; and hoped that Becket, whom he had protected while on earth, would not now, when he was ſo highly exalted in heaven, forget his old friend and benefactor. The monks, ſenſible that their ſaint's honour was concerned in the caſe, failed not to publiſh that Lewis's prayers were anſwered, and that the young prince was reſtored to health by Becket's interceſſion. That king himſelf was ſoon after ſtruck with an apoplexy, which deprived him of his underſtanding. Philip, though a youth of fifteen, took on him the adminiſtration till his father's death, which happened ſoon after, opened his way to the throne; and he proved the ableſt and greateſt monarch that had governed that kingdom ſince the age of Charlemagne. The ſuperior years, however, and experience, of Henry, while they moderated his ambition, gave him ſuch an aſcendant over this prince, that no dangerous rivalſhip, for a long time, aroſe between them. The Engliſh monarch, inſtead of taking advantage of his own ſituation, rather employed his good offices in compoſing the quarrels which aroſe in the royal family of

France; and he was ſucceſsful in mediating a reconciliation between Philip and his mother and uncles. Theſe ſervices were but ill requited by Philip; who, when he came to man's eſtate, fomented all the domeſtic diſcords in the royal family of England, and encouraged Henry's ſons in their ungrateful and undutiful behaviour towards him.

Prince Henry, equally impatient of obtaining power, and incapable of uſing it, renewed to the king the demand of his reſigning Normandy; and, on meeting with a refuſal, he fled with his conſort to the court of France: but, not finding Philip at that time diſpoſed to enter into war for his ſake, he accepted of his father's offers of reconciliation, and made him ſubmiſſions. It was a cruel circumſtance in the king's fortune that he could hope for no tranquillity from the criminal enterpriſes of his ſons but by their mutual diſcord and animoſities, which diſturbed his family, and threw his ſtate into convulſions. Richard, whom he had made maſter of Guienne, and who had diſplayed his valour and military genius by ſuppreſſing the revolts of his mutinous barons, refuſed to obey Henry's orders in doing homage to his elder brother for that duchy; and he defended himſelf againſt young Henry and Geoffrey, who, uniting their arms, carried war into his territories.[P] The king, with ſome difficulty, compoſed this difference; but immediately found his eldeſt ſon engaged in conſpiracies, and ready to take arms againſt himſelf.

DEATH OF YOUNG HENRY. 1183.

While the young prince was conducting theſe criminal intrigues he was ſeized with a fever at Martel, a caſtle near Turenne, to which he had retired in diſcontent; and, ſeeing the approaches of death, he was at laſt ſtruck with remorſe for his undutiful behaviour towards his father. He ſent a meſſage to the king,

who was not far diſtant; expreſſed his contrition for his faults; and entreated the favour of a viſit, that he might at leaſt die with the ſatisfaction of having obtained his forgiveneſs. Henry, who had ſo often experienced the prince's ingratitude and violence, apprehended that his ſickneſs was entirely feigned, and he durſt not intruſt himſelf into his ſon's hands: but, when he ſoon after received intelligence of young Henry's death, and the proofs of his ſincere repentance, this good prince was affected with the deepeſt ſorrow; he thrice fainted away; he accuſed his own hard-heartedneſs in refuſing the dying requeſt of his ſon; and he lamented that he had deprived that prince of the laſt opportunity of making atonement for his offences, and of pouring out his ſoul in the boſom of his reconciled father.[q] This prince died in the twenty-eighth year of his age.

The behaviour of his ſurviving children did not tend to give the king any conſolation for the loſs. As prince Henry had left no poſterity, Richard was become heir to all his dominions; and the king intended that John, his third ſurviving ſon and favourite, ſhould inherit Guienne as his appanage: but Richard refuſed his conſent, fled into that duchy, and even made preparations for carrying on war, as well againſt his father as againſt his brother Geoffrey, who was now put in poſſeſſion of Brittany. Henry ſent for Eleanor his queen, the heireſs of Guienne, and required Richard to deliver up to her the dominion of theſe territories; which that prince, either dreading an inſurrection of the Gaſcons in her favour, or retaining ſome ſenſe of duty towards her, readily performed; and he peaceably returned to his father's court. No ſooner was this quarrel accommodated than Geoffrey, the moſt vicious perhaps of all Henry's unhappy family, broke out into violence; demanded Anjou to be annexed to his dominions of Brittany; and, on meeting with a refuſal, fled to the court of France, and levied forces againſt his father.[r] Henry was freed

from this danger by his ſon's death, who was killed in a tournament at Paris.' The widow of Geoffrey, ſoon after his deceaſe, was delivered of a ſon, who received the name of Arthur, and was inveſted in the duchy of Brittany, under the guardianſhip of his grandfather, who, as duke of Normandy, was alſo ſuperior lord of that territory. Philip, as lord paramount, diſputed ſome time his title to this wardſhip; but was obliged to yield to the inclinations of the Bretons, who preferred the government of Henry.

CRUSADES.

But the rivalſhip between theſe potent princes, and all their inferior intereſt, ſeemed now to have given place to the general paſſion for the relief of the holy land, and the expulſion of the Saracens. Thoſe infidels, though obliged to yield to the immenſe inundation of Chriſtians in the firſt cruſade, had recovered courage after the torrent was paſt; and, attacking on all quarters the ſettlements of the Europeans, had reduced theſe adventurers to great difficulties, and obliged them to apply again for ſuccours from the weſt. A ſecond cruſade, under the emperor Conrade, and Lewis VII king of France, in which there periſhed above two hundred thouſand men, brought them but a temporary relief; and thoſe princes, after loſing ſuch immenſe armies, and ſeeing the flower of their nobility fall by their ſide, returned with little honour into Europe. But theſe repeated misfortunes, which drained the weſtern world of its people and treaſure, were not yet ſufficient to cure men of their paſſion for thoſe ſpiritual adventures; and a new incident rekindled with freſh fury the zeal of the eccleſiaſtics and military adventurers among the Latin Chriſtians. Saladin, a prince of great generoſity, bravery, and conduct, having fixed himſelf on the throne

of Egypt, began to extend his conqueſts over the eaſt; and, finding the ſettlement of the Chriſtians in Paleſtine an invincible obſtacle to the progreſs of his arms, he bent the whole force of his policy and valour to ſubdue that ſmall and barren, but important, territory. Taking advantage of diſſenſions which prevailed among the champions of the croſs, and having ſecretly gained the count of Tripoli, who commanded their armies, he invaded the frontiers with a mighty power; and, aided by the treachery of that count, gained over them at Tiberiade a complete victory, which utterly annihilated the force of the already languiſhing kingdom of Jeruſalem. The holy city itſelf fell into his hands, after a feeble reſiſtance; the kingdom of Antioch was almoſt entirely ſubdued; and, except ſome maritime towns, nothing conſiderable remained of thoſe boaſted conqueſts, which, near a century before, it had coſt the efforts of all Europe to acquire.[t]

The weſtern Chriſtians were aſtoniſhed on receiving this diſmal intelligence. Pope Urban III, it is pretended, died of grief; and his ſucceſſor, Gregory VIII, employed the whole time of his ſhort pontificate in rouſing to arms all the Chriſtians who acknowledged his authority. The general cry was, that they were unworthy of enjoying any inheritance in heaven who did not vindicate from the dominion of the infidels the inheritance of God on earth, and deliver from ſlavery that country which had been conſecrated by the footſteps of their Redeemer. William archbiſhop of Tyre, having procured a conference, on the twenty-firſt of January, 1188, between Henry and Philip near Giſors, enforced all theſe topics; gave a pathetic deſcription of the miſerable ſtate of the eaſtern Chriſtians; and employed every argument to excite the ruling paſſions of the age, ſuperſtition and jealouſy of military honour.[u] The two monarchs immediately took the croſs; many of their moſt conſiderable vaſſals

imitated the example;[x] and, as the emperor Frederic I entered into the ſame confederacy, ſome well grounded hopes of ſucceſs were entertained; and men flattered themſelves that an enterpriſe, which had failed under the conduct of many independent leaders or of imprudent princes, might at laſt, by the efforts of ſuch potent and able monarchs, be brought to a happy iſſue.

The kings of France and England impoſed a tax, amounting to the tenth of all moveable goods, on ſuch as remained at home:[y] but, as they exempted from this burden moſt of the regular clergy, the ſecular aſpired to the ſame immunity; pretended that their duty obliged them to aſſiſt the cruſade with their prayers alone; and it was with ſome difficulty they were conſtrained to deſiſt from an oppoſition, which in them, who had been the chief promoters of thoſe pious enterpriſes, appeared with the worſt grace imaginable.[z] This backwardneſs of the clergy is perhaps a ſymptom that the enthuſiaſtic ardour, which had at firſt ſeized the people for cruſades, was now, by time and ill ſucceſs, conſiderably abated; and that the frenzy was chiefly ſupported by the military genius and love of glory in the monarchs.

REVOLT OF PRINCE RICHARD. 1189.

But, before this great machine could be put in motion, there were ſtill many obſtacles to ſurmount. Philip, jealous of Henry's power, entered into a private confederacy with young Richard; and, working on his ambitious and impatient temper, perſuaded him, inſtead of ſupporting and aggrandizing that monarchy which he was one day to inherit, to ſeek preſent power and independence by diſturbing and diſmembering it. In order to give a pretence for hoſtilities between the two kings, Richard broke

into the territories of Raymond count of Toulouſe, who immediately carried complaints of this violence before the king of France as his ſuperior lord. Philip remonſtrated with Henry; but received for anſwer that Richard had confeſſed to the archbiſhop of Dublin that his enterpriſe againſt Raymond had been undertaken by the approbation of Philip himſelf, and was conducted by his authority. The king of France, who might have been covered with ſhame and confuſion by this detection, ſtill proſecuted his deſign, and invaded the provinces of Berri and Auvergne, under colour of revenging the quarrel of the count of Toulouſe.[a] Henry retaliated, by making inroads upon the frontiers of France, and burning Dreux. As this war, which deſtroyed all hopes of ſucceſs in the projected cruſade, gave great ſcandal, the two kings held a conference at the accuſtomed place between Giſors and Trie, in order to find means of accommodating their differences. They ſeparated on worſe terms than before; and Philip, to ſhew his diſguſt, ordered a great elm, under which the conferences had been uſually held, to be cut down;[b] as if he had renounced all deſire of accommodation, and was determined to carry the war to extremities againſt the king of England. But his own vaſſals refuſed to ſerve under him in ſo invidious a cauſe;[c] and he was obliged to come anew to a conference with Henry, and to offer terms of peace. Theſe terms were ſuch as entirely opened the eyes of the king of England, and fully convinced him of the perfidy of his ſon, and his ſecret alliance with Philip, of which he had before only entertained ſome ſuſpicion. The king of France required that Richard ſhould be crowned king of England in the lifetime of his father; ſhould be inveſted in all his tranſmarine dominions; and ſhould immediately eſpouſe Alice, Philip's ſiſter, to whom he had formerly been affianced, and who had already been conducted into England.[d] Henry had experienced ſuch fatal effects, both from

the crowning of his eldeſt ſon and from that prince's alliance with the royal family of France, that he rejected theſe terms; and Richard, in conſequence of his ſecret agreement with Philip, immediately revolted from him,[e] did homage to the king of France for all the dominions which Henry held of that crown, and received the inveſtitures as if he had already been the lawful poſſeſſor. Several hiſtorians aſſert that Henry himſelf had become enamoured of young Alice, and mention this as an additional reaſon for his refuſing theſe conditions: but he had ſo many other juſt and equitable motives for his conduct, that it is ſuperfluous to aſſign a cauſe, which the great prudence and advanced age of that monarch render ſomewhat improbable.

Cardinal Albano, the pope's legate, diſpleaſed with theſe increaſing obſtacles to the cruſade, excommunicated Richard as the chief ſpring of diſcord: but the ſentence of excommunication, (which, when it was properly prepared, and was zealouſly ſupported by the clergy, had often great influence in that age) proved entirely ineffectual in the preſent caſe. The chief barons of Poictou, Guienne, Normandy, and Anjou, being attached to the young prince, and finding that he had now received the inveſtiture from their ſuperior lord, declared for him, and made inroads into the territories of ſuch as ſtill adhered to the king. Henry, diſquieted by the daily revolts of his mutinous ſubjects, and dreading ſtill worſe effects from their turbulent diſpoſition, had again recourſe to papal authority; and engaged the cardinal Anagni, who had ſucceeded Albano in the legateſhip, to threaten Philip with laying an interdict on all his dominions. But Philip, who was a prince of great vigour and capacity, deſpiſed the menace, and told Anagni that it belonged not to the pope to interpoſe in the temporal diſputes of princes, much leſs in thoſe between him and his rebellious vaſſal. He even proceeded ſo far as to reproach him with partiality, and with receiving bribes

from the king of England;[f] while Richard, ſtill more outrageous, offered to draw his ſword againſt the legate, and was hindered by the interpoſition alone of the company from committing violence upon him.[g]

The king of England was now obliged to defend his dominions by arms, and to engage in a war with France, and with his eldeſt ſon, a prince of great valour, on ſuch diſadvantageous terms. Ferte-Bernard fell firſt into the hands of the enemy: Mans was next taken by aſſault; and Henry, who had thrown himſelf into that place, eſcaped with ſome difficulty:[h] Amboiſe, Chaumont, and Chateau de Loire, opened their gates on the appearance of Philip and Richard: Tours was menaced: and the king, who had retired to Saumur, and had daily inſtances of the cowardice or infidelity of his governors, expected the moſt diſmal iſſue to all his enterpriſes. While he was in this ſtate of deſpondency, the duke of Burgundy, the earl of Flanders, and the archbiſhop of Rheims, interpoſed with their good offices; and the intelligence which he received of the taking of Tours, and which made him fully ſenſible of the deſperate ſituation of his affairs, ſo ſubdued his ſpirit that he ſubmitted to all the rigorous terms which were impoſed upon him. He agreed that Richard ſhould marry the princeſs Alice; that that prince ſhould receive the homage and oath of fealty of all his ſubjects, both in England and his tranſmarine dominions; that he himſelf ſhould pay twenty thouſand marks to the king of France as a compenſation for the charges of the war; that his own barons ſhould engage to make him obſerve this treaty by force, and, in caſe of his violating it, ſhould promiſe to join Philip and Richard againſt him; and that all his vaſſals, who had entered into confederacy with Richard, ſhould receive an indemnity for the offence.[i]

DEATH AND CHARACTER OF HENRY. 1189.

BUT the mortification which Henry, who had been accuſtomed to give the law in moſt treaties, received from theſe diſadvantageous terms, was the leaſt that he met with on this occaſion. When he demanded a liſt of thoſe barons, to whom he was bound to grant a pardon for their connexions with Richard, he was aſtoniſhed to find at the head of them the name of his ſecond ſon John;[k] who had always been his favourite, whoſe intereſts he had ever anxiouſly at heart, and who had even, on account of his aſcendant over him, often excited the jealouſy of Richard.[l] The unhappy father, already overloaded with cares and ſorrows, finding his laſt diſappointment in his domeſtic tenderneſs, broke out into expreſſions of the utmoſt deſpair, curſed the day in which he received his miſerable being, and beſtowed on his ungrateful and undutiful children a malediction which he never could be prevailed on to retract.[m] The more his heart was diſpoſed to friendſhip and affection, the more he reſented the barbarous return which his four ſons had ſucceſſively made to his parental care; and this finiſhing blow, by depriving him of every comfort in life, quite broke his ſpirit, and threw him into a lingering fever, of which he expired at the caſtle of Chinon near Saumur. His natural ſon Geoffrey, who alone had behaved dutifully towards him, attended his corpſe to the nunnery of Fontevrault, where it lay in ſtate in the abbey church. Next day Richard, who came to viſit the dead body of his father, and who, notwithſtanding his criminal conduct, was not wholly deſtitute of generoſity, was ſtruck with horror and remorſe at the ſight; and, as the attendants obſerved that at that very inſtant blood guſhed from the mouth and noſtrils of the corpſe, he exclaimed, agreeably to a vulgar ſuperſtition, that he

was his father's murderer; and he expreſſed a deep ſenſe, though too late, of that undutiful behaviour which had brought his parent to an untimely grave.[n]

Thus died, in the fifty-eighth year of his age and thirty-fifth of his reign, the greateſt prince of his time for wiſdom, virtue, and abilities, and the moſt powerful in extent of dominion of all thoſe that had ever filled the throne of England. His character, in private as well as in public life, is almoſt without a blemiſh; and he ſeems to have poſſeſſed every accompliſhment, both of body and mind, which makes a man either eſtimable or amiable. He was of a middle ſtature, ſtrong and well proportioned; his countenance was lively and engaging; his converſation affable and entertaining; his elocution eaſy, perſuaſive, and ever at command. He loved peace, but poſſeſſed both bravery and conduct in war; was provident without timidity, ſevere in the execution of juſtice without rigour, and temperate without auſterity. He preſerved health, and kept himſelf from corpulency, to which he was ſomewhat inclined, by an abſtemious diet, and by frequent exerciſe, particularly hunting. When he could enjoy leiſure he recreated himſelf either in learned converſation or in reading; and he cultivated his natural talents by ſtudy above any prince of his time. His affections, as well as his enmities, were warm and durable; and his long experience of the ingratitude and infidelity of men never deſtroyed the natural ſenſibility of his temper, which diſpoſed him to friendſhip and ſociety. His character has been tranſmitted to us by ſeveral writers who were his contemporaries;[o] and it extremely reſembles, in its moſt remarkable features, that of his maternal grandfather Henry I, excepting only that ambition, which was a ruling paſſion in both, found not in the firſt Henry ſuch unexceptionable meaſures of exerting itſelf; and puſhed that prince into meaſures, which were both criminal in themſelves, and were the

cauſe of farther crimes, from which his grandſon's conduct was happily exempted.

MISCELLANEOUS TRANSACTIONS.

THIS prince, like moſt of his predeceſſors of the Norman line, except Stephen, paſſed more of his time on the continent than in this iſland. He was ſurrounded with the Engliſh gentry and nobility when abroad; the French gentry and nobility attended him when he reſided in England; both nations acted in the government as if they were the ſame people; and, on many occaſions, the legiſlatures ſeem not to have been diſtinguiſhed. As the king and all the Engliſh barons were of French extraction, the manners of that people acquired the aſcendant, and were regarded as the models of imitation. All foreign improvements, therefore, ſuch as they were, in literature and politeneſs, in laws and arts, ſeem now to have been, in a good meaſure, tranſplanted into England; and that kingdom was become little inferior, in all the faſhionable accompliſhments, to any of its neighbours on the continent. The more homely, but more ſenſible, manners and principles of the Saxons were exchanged for the affectations of chivalry and the ſubtilties of ſchool philoſophy. The feudal ideas of civil government, the Romiſh ſentiments in religion, had taken entire poſſeſſion of the people: by the former the ſenſe of ſubmiſſion towards princes was ſomewhat diminiſhed in the barons; by the latter the devoted attachment to papal authority was much augmented among the clergy. The Norman and other foreign families, eſtabliſhed in England, had now ſtruck deep root; and, being entirely incorporated with the people, whom at firſt they oppreſſed and deſpiſed, they no longer thought that they needed the protection of the crown for the enjoyment of their poſſeſſions, or conſidered

their tenure as precarious. They aſpired to the ſame liberty and independence which they ſaw enjoyed by their brethren on the continent, and deſired to reſtrain thoſe exorbitant prerogatives and arbitrary practices, which the neceſſities of war and the violence of conqueſt had at firſt obliged them to indulge in their monarch. That memory alſo of a more equal government under the Saxon princes, which remained with the Engliſh, diffuſed ſtill farther the ſpirit of liberty, and made the barons both deſirous of more independence to themſelves, and willing to indulge it to the people. And it was not long ere this ſecret revolution in the ſentiments of men produced, firſt violent convulſions in the ſtate, then an evident alteration in the maxims of government.

The hiſtory of all the preceding kings of England ſince the conqueſt gives evident proofs of the diſorders attending the feudal inſtitutions; the licentiouſneſs of the barons, their ſpirit of rebellion againſt the prince and laws, and of animoſity againſt each other. The conduct of the barons in the tranſmarine dominions of thoſe monarchs afforded perhaps ſtill more flagrant inſtances of theſe convulſions; and the hiſtory of France, during ſeveral ages, conſiſts almoſt entirely of narrations of this nature. The cities, during the continuance of this violent government, could neither be very numerous nor populous; and there occur inſtances which ſeem to evince that, though theſe are always the firſt ſeat of law and liberty, their police was in general looſe and irregular, and expoſed to the ſame diſorders with thoſe by which the country was generally infeſted. It was a cuſtom in London for great numbers, to the amount of a hundred or more, the ſons and relations of conſiderable citizens, to form themſelves into a licentious confederacy, to break into rich houſes and plunder them, to rob and murder the paſſengers, and to commit with impunity all ſorts of diſorder. By theſe crimes it

had become ſo dangerous to walk the ſtreets by night, that the citizens durſt no more venture abroad after ſunſet than if they had been expoſed to the incurſions of a public enemy. The brother of the earl of Ferrars had been murdered by ſome of thoſe nocturnal rioters; and the death of ſo eminent a perſon, which was much more regarded than that of many thouſands of an inferior ſtation, ſo provoked the king, that he ſwore vengeance againſt the criminals, and became thenceforth more rigorous in the execution of the laws.[p]

There is another inſtance given by hiſtorians, which proves to what a height ſuch riots had proceeded, and how open theſe criminals were in committing their robberies. A band of them had attacked the houſe of a rich citizen, with an intention of plundering it; had broken through a ſtone wall with hammers and wedges; and had already entered the houſe ſword in hand; when the citizen, armed cap-a-pee, and ſupported by his faithful ſervants, appeared in the paſſage to oppoſe them. He cut off the right hand of the firſt robber that entered; and made ſuch ſtout reſiſtance that his neighbours had leiſure to aſſemble and come to his relief. The man who loſt his hand was taken, and was tempted by the promiſe of pardon to reveal his confederates; among whom was one John Senex, eſteemed among the richeſt and beſt born citizens in London. He was convicted by the ordeal; and, though he offered five hundred marks for his life, the king refuſed the money, and ordered him to be hanged.[q] It appears from a ſtatute of Edward I. that theſe diſorders were not remedied even in that reign. It was then made penal to go out at night after the hour of the curfew, to carry a weapon, or to walk without a light or lantern.[r] It is ſaid, in the preamble to this law, that, both by night and by day, there were continual frays in the ſtreets of London.

Henry's care in adminiſtering juſtice had gained him ſo great a reputation that even foreign and diſtant princes made him arbiter, and ſubmitted their differences to his judgment. Sanchez king of Navarre, having ſome controverſies with Alfonſo king of Caſtile, was contented, though Alfonſo had married the daughter of Henry, to chooſe this prince for a referee; and they agreed each of them to conſign three caſtles into neutral hands, as a pledge of their not departing from his award. Henry made the cauſe be examined before his great council, and gave a ſentence which was ſubmitted to by both parties. Theſe two Spaniſh kings ſent each a ſtout champion to the court of England, in order to defend his cauſe by arms, in caſe the way of duel had been choſen by Henry.

Henry ſo far aboliſhed the barbarous and abſurd practice of confiſcating ſhips which had been wrecked on the coaſt, that he ordained, if one man or animal were alive in the ſhip, that the veſſel and goods ſhould be reſtored to the owners.

The reign of Henry was remarkable alſo for an innovation which was afterwards carried farther by his ſucceſſors, and was attended with the moſt important conſequences. This prince was diſguſted with the ſpecies of military force which was eſtabliſhed by the feudal inſtitutions, and which, though it was extremely burdenſome to the ſubject, yet rendered very little ſervice to the ſovereign. The barons, or military tenants, came late into the field; they were obliged to ſerve only forty days; they were unſkilful and diſorderly in all their operations; and they were apt to carry into the camp the ſame refractory and independent ſpirit to which they were accuſtomed in their civil government. Henry, therefore, introduced the practice of making a commutation of their military ſervice for money; and he levied ſcutages from his barons and knights' fees, inſtead of requiring the perſonal attendance of his vaſſals. There is mention made,

in the hiſtory of the exchequer, of theſe ſcutages, in his ſecond, fifth, and eighteenth, year; and other writers give us an account of three more of them.[n] When the prince had thus obtained money he made a contract with ſome of thoſe adventurers in which Europe at that time abounded; they found him ſoldiers of the ſame character with themſelves, who were bound to ſerve for a ſtipulated time. The armies were leſs numerous, but more uſeful, than when compoſed of all the military vaſſals of the crown; the feudal inſtitutions began to relax; the kings became rapacious for money, on which all their power depended; the barons, ſeeing no end of exactions, ſought to defend their property; and, as the ſame cauſes had nearly the ſame effects in the different countries of Europe, the ſeveral crowns either loſt or acquired authority according to their different ſucceſs in the conteſt.

This prince was alſo the firſt that levied a tax on the moveables or perſonal eſtates of his ſubjects, nobles as well as commons. Their zeal for the holy wars made them ſubmit to this innovation; and, a precedent being once obtained, this taxation became, in following reigns, the uſual method of ſupplying the neceſſities of the crown. The tax of Danegelt, ſo generally odious to the nation, was remitted in this reign.

It was a uſual practice of the kings of England to repeat the ceremony of their coronation thrice every year, on aſſembling the ſtates at the three great feſtivals. Henry, after the firſt years of his reign, never renewed this ceremony, which was found to be very expenſive and very uſeleſs. None of his ſucceſſors revived it. It is conſidered as a great act of grace in this prince that he mitigated the rigour of the foreſt laws, and puniſhed any tranſgreſſions of them, not capitally, but by fines, impriſonments, and other more moderate penalties.

Since we are here collecting ſome detached incidents which ſhew the genius of the age, and which could not ſo well enter

into the body of our hiſtory, it may not be improper to mention the quarrel between Roger archbiſhop of York and Richard archbiſhop of Canterbury. We may judge of the violence of military men and laymen when eccleſiaſtics could proceed to ſuch extremities. Cardinal Haguezun, being ſent in 1176 as legate into Britain, ſummoned an aſſembly of the clergy at London; and, as both the archbiſhops pretended to ſit on his right hand, this queſtion of precedency begat a controverſy between them. The monks and retainers of archbiſhop Richard fell upon Roger in the preſence of the cardinal and of the ſynod, threw him to the ground, trampled him under foot, and ſo bruiſed him with blows that he was taken up half dead, and his life was with difficulty ſaved from their violence. The archbiſhop of Canterbury was obliged to pay a large ſum of money to the legate, in order to ſuppreſs all complaints with regard to this enormity.[x]

We are told by Gyraldus Cambrenſis that the monks and prior of St. Swithun threw themſelves one day proſtrate on the ground and in the mire before Henry, complaining, with many tears and much doleful lamentation, that the biſhop of Wincheſter, who was alſo their abbot, had cut off three diſhes from their table. 'How many has he left you?' ſaid the king. 'Ten only,' replied the diſconſolate monks. 'I myſelf,' exclaimed the king, 'never have more than three; and I enjoin your biſhop to reduce you [y] to the ſame number.'

This king left only two legitimate ſons, Richard, who ſucceeded him, and John, who inherited no territory, though his father had often intended to leave him a part of his extenſive dominions. He was thence commonly denominated Lackland. Henry left three legitimate daughters; Maud, born in 1156, and married to Henry duke of Saxony; Eleanor, born in 1162, and married to Alphonſo king of Caſtile; Joan, born in 1165, and married to William king of Sicily.[z]

Henry is ſaid, by ancient hiſtorians, to have been of a very amorous diſpoſition. They mention two of his natural ſons by Roſamond, daughter of lord Clifford; namely, Richard Longeſpee, or Longſword (ſo called from the ſword he uſually wore), who was afterwards married to Ela, the daughter and heir of the earl of Saliſbury; and Geoffrey, firſt biſhop of Lincoln, then archbiſhop of York. All the other circumſtances of the ſtory commonly told of that lady ſeem to be fabulous.

RICHARD I. LEAVING CYPRUS.

CHAP. X.

RICHARD THE FIRST.

THE KING'S PREPARATIONS FOR THE CRUSADE: SETS OUT FOR THE CRUSADE: TRANSACTIONS IN SICILY: ARRIVAL IN PALESTINE: DISORDERS IN ENGLAND: THE KING'S HEROIC ACTIONS IN PALESTINE: HIS CAPTIVITY IN GERMANY: WAR WITH FRANCE: RETURN TO ENGLAND: DEATH: AND CHARACTER OF THE KING: MISCELLANEOUS TRANSACTIONS OF THIS REIGN.

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CHAPTER X.

RICHARD I.

1189....1199.

THE KING'S PREPARATIONS FOR THE CRUSADE....SETS OUT ON THE CRUSADE....TRANSACTIONS IN SICILY....KING'S ARRIVAL IN PALESTINE....STATE OF PALESTINE....DISORDERS IN ENGLAND....THE KING'S HEROIC ACTIONS IN PALESTINE....HIS RETURN AND CAPTIVITY IN GERMANY....WAR WITH FRANCE....THE KING'S DELIVERY AND RETURN TO ENGLAND....WAR WITH FRANCE....DEATH AND CHARACTER OF THE KING....MISCELLANEOUS TRANSACTIONS OF THIS REIGN.

THE compunction of Richard for his undutiful behaviour towards his father was durable, and influenced him in the choice of his miniſters and ſervants after his acceſſion. Thoſe who had ſeconded and favoured his rebellion, inſtead of meeting with that truſt and honour which they expected, were ſurpriſed to find that they lay under diſgrace with the new king, and were on all occaſions hated and deſpiſed by him. The faithful miniſters of Henry, who had vigorouſly oppoſed all the enterpriſes of his ſons, were received with open arms, and were continued in thoſe offices which they had honourably diſcharged to their former

maſter.[a] This prudent conduct might be the reſult of reflection; but, in a prince like Richard, ſo much guided by paſſion and ſo little by policy, it was commonly aſcribed to a principle ſtill more virtuous and more honourable.

Richard, that he might make atonement to one parent for his breach of duty to the other, immediately ſent orders for releaſing the queen dowager from the confinement in which ſhe had long been detained; and he intruſted her with the government of England till his arrival in that kingdom. His bounty to his brother John was rather profuſe and imprudent. Beſides beſtowing on him the county of Mortaigne in Normandy, granting him a penſion of four thouſand marks a year, and marrying him to Aviſa the daughter of the earl of Gloceſter, by whom he inherited all the poſſeſſions of that opulent family, he increaſed this appanage, which the late king had deſtined him, by other extenſive grants and conceſſions. He conferred on him the whole eſtate of William Peverell, which had eſcheated to the crown: he put him in poſſeſſion of eight caſtles, with all the foreſts and honours annexed to them: he delivered over to him no leſs than ſix earldoms; Cornwall, Devon, Somerſet, Nottingham, Dorſet, Lancaſter, and Derby: and, endeavouring by favours to fix that vicious prince in his duty, he put it too much in his power, whenever he pleaſed, to depart from it.

PREPARATION FOR THE CRUSADE. 1189.

THE king, impelled more by the love of military glory than by ſuperſtition, acted, from the beginning of his reign, as if the ſole purpoſe of his government had been the relief of the holy land, and the recovery of Jeruſalem from the Saracens. This zeal againſt infidels, being communicated to his ſubjects, broke out in London on the day of his coronation, and made them

find a cruſade leſs dangerous, and attended with more immediate profit. The prejudices of the age had made the lending of money on intereſt paſs by the invidious name of uſury; yet the neceſſity of the practice had ſtill continued it: and the greater part of that kind of dealing fell every where into the hands of the Jews; who, being already infamous on account of their religion, had no honour to loſe, and were apt to exerciſe a profeſſion, odious in itſelf, by every kind of rigour, and even ſometimes by rapine and extortion. The induſtry and frugality of this people had put them in poſſeſſion of all the ready money, which the idleneſs and profuſion common to the Engliſh, with other European nations, enabled them to lend at exorbitant and unequal intereſt. The monkiſh writers repreſent it as a great ſtain on the wiſe and equitable government of Henry, that he had carefully protected this infidel race from all injuries and inſults; but the zeal of Richard afforded the populace a pretence for venting their animoſity againſt them. The king had iſſued an edict prohibiting their appearance at his coronation; but ſome of them, bringing him large preſents from their nation, preſumed, in confidence of that merit, to approach the hall in which he dined. Being diſcovered, they were expoſed to the inſults of the byſtanders; they took to flight; the people purſued them; the rumour was ſpread that the king had iſſued orders to maſſacre all the Jews; a command ſo agreeable was executed in an inſtant on ſuch as fell into the hands of the populace; thoſe who had kept at home were expoſed to equal danger; the people, moved by rapacity and zeal, broke into their houſes, which they plundered, after having murdered the owners; where the Jews barricadoed their doors and defended themſelves with vigour, the rabble ſet fire to the houſes, and made way through their flames to exerciſe their pillage and violence; the uſual licentiouſneſs of London, which the ſovereign power with difficulty

reſtrained, broke out with fury, and continued theſe outrages; the houſes of the rich citizens, though Chriſtians, were next attacked and plundered; and wearineſs and ſatiety at laſt put an end to the diſorder. Yet, when the king empowered Glanville the juſticiary to inquire into the authors of theſe crimes, the guilt was found to involve ſo many of the moſt conſiderable citizens, that it was deemed more prudent to drop the proſecution; and very few ſuffered the puniſhment due to this enormity. But the diſorder ſtopped not at London. The inhabitants of the other cities of England, hearing of this ſlaughter of the Jews, imitated the example. In York, five hundred of that nation, who had retired into the caſtle for ſafety, and found themſelves unable to defend the place, murdered their own wives and children, threw the dead bodies over the walls upon the populace, and then, ſetting fire to the houſes, periſhed in the flames. The gentry of the neighbourhood, who were all indebted to the Jews, ran to the cathedral, where their bonds were kept, and made a ſolemn bonfire of the papers before the altar. The compiler of the Annals of Waverley, in relating theſe events, bleſſes the Almighty for thus delivering over this impious race to deſtruction.[b]

The ancient ſituation of England, when the people poſſeſſed little riches, and the public no credit, made it impoſſible for ſovereigns to bear the expenſe of a ſteady or durable war, even on their frontiers; much leſs could they find regular means for the ſupport of diſtant expeditions, like thoſe into Paleſtine, which were more the reſult of popular frenzy than of ſober reaſon or deliberate policy. Richard, therefore, knew that he muſt carry with him all the treaſure neceſſary for his enterpriſe, and that both the remoteneſs of his own country and its poverty made it unable to furniſh him with thoſe continued ſupplies which the exigencies of ſo perilous a war muſt neceſſarily require.

His father had left him a treaſure of above a hundred thouſand marks; and the king, negligent of every conſideration but his preſent object, endeavoured to augment this ſum by all expedients, how pernicious ſoever to the public, or dangerous to royal authority. He put to ſale the revenues and manors of the crown; the offices of greateſt truſt and power, even thoſe of foreſter and ſheriff, which anciently were ſo important,[c] became venal; the dignity of chief juſticiary, in whoſe hands was lodged the whole execution of the laws, was ſold to Hugh de Puzas, biſhop of Durham, for a thouſand marks; the ſame prelate bought the earldom of Northumberland for life;[d] many of the champions of the croſs, who had repented of their vow, purchaſed the liberty of violating it; and Richard, who ſtood leſs in need of men than of money, diſpenſed, on theſe conditions, with their attendance. Elated with the hopes of fame, which in that age attended no wars but thoſe againſt the infidels, he was blind to every other conſideration; and, when ſome of his wiſer miniſters objected to this diſſipation of the revenue and power of the crown, he replied that he would ſell London itſelf, could he find a purchaſer.[e] Nothing indeed could be a ſtronger proof how negligent he was of all future intereſts, in compariſon of the cruſade, than his ſelling, for ſo ſmall a ſum as ten thouſand marks, the vaſſalage of Scotland, together with the fortreſſes of Roxborough and Berwick; the greateſt acquiſition that had been made by his father during the courſe of his victorious reign; and his accepting the homage of William in the uſual terms merely for the territories which that prince held in England.[f] The Engliſh, of all ranks and ſtations, were oppreſſed by numerous exactions. Menaces were employed, both againſt the innocent and the guilty, in order to extort money from them; and, when no pretence was wanting againſt the rich, the king obliged them, by the fear of his diſpleaſure, to lend

him ſums which he knew it would never be in his power to repay.

But Richard, though he ſacrificed every intereſt and conſideration to the ſucceſs of this pious enterpriſe, carried ſo little the appearance of ſanctity in his conduct, that Fulk, curate of Neuilly, a zealous preacher of the cruſade, who from that merit had acquired the privilege of ſpeaking the boldeſt truths, adviſed him to rid himſelf of his notorious vices, particularly his pride, avarice, and voluptuouſneſs, which he called the king's three favourite daughters. 'You counſel well,' replied Richard; 'and I hereby diſpoſe of the firſt to the Templars, of the ſecond to the Benedictines, and of the third to my prelates.'

Richard, jealous of attempts which might be made on England during his abſence, laid prince John, as well as his natural brother Geoffrey archbiſhop of York, under engagements, confirmed by their oaths, that neither of them ſhould enter the kingdom till his return; though he thought proper, before his departure, to withdraw this prohibition. The adminiſtration was left in the hands of Hugh biſhop of Durham, and of Longchamp biſhop of Ely, whom he appointed juſticiaries and guardians of the realm. The latter was a Frenchman of mean birth, and of a violent character; who by art and addreſs had inſinuated himſelf into favour, whom Richard had created chancellor, and whom he had engaged the pope alſo to inveſt with the legantine authority, that, by centering every kind of power in his perſon, he might the better enſure the public tranquillity. All the military and turbulent ſpirits flocked about the perſon of the king, and were impatient to diſtinguiſh themſelves againſt the infidels in Aſia; whither his inclinations, his engagements, led him, and whither he was impelled by meſſages from the king of France, ready to embark in this enterpriſe.

The emperor Frederic, a prince of great ſpirit and conduct, had already taken the road to Paleſtine at the head of one hundred and fifty thouſand men, collected from Germany and all the northern ſtates. Having ſurmounted every obſtacle thrown in his way by the artifices of the Greeks and the power of the infidels, he had penetrated to the borders of Syria; when, bathing in the cold river Cydnus during the greateſt heat of the ſummer ſeaſon, he was ſeized with a mortal diſtemper, which put an end to his life and his raſh enterpriſe.[g] His army, under the command of his ſon Conrade, reached Paleſtine; but was ſo diminiſhed by fatigue, famine, maladies, and the ſword, that it ſcarcely amounted to eight thouſand men; and was unable to make any progreſs againſt the great power, valour, and conduct, of Saladin. Theſe reiterated calamities, attending the cruſades, had taught the kings of France and England the neceſſity of trying another road to the holy land; and they determined to conduct their armies thither by ſea, to carry proviſions along with them, and, by means of their naval power, to maintain an open communication with their own ſtates, and with the weſtern parts of Europe. The place of rendezvous was appointed in the plains of Vezelay, on the borders of Burgundy.[h] Philip and Richard, on their arrival there, found their combined army amount to one hundred thouſand men;[i] a mighty force, animated with glory and religion, conducted by two warlike monarchs, provided with every thing which their ſeveral dominions could ſupply, and not to be overcome but by their own miſconduct, or by the unſurmountable obſtacles of nature.

KING SETS OUT ON THE CRUSADE. 1190.

The French prince and the Engliſh here reiterated their promiſes of cordial friendſhip, pledged their faith not to invade

each other's dominions during the cruſade, mutually exchanged the oaths of all their barons and prelates to the ſame effect, and ſubjected themſelves to the penalty of interdicts and excommunications if they ſhould ever violate this public and ſolemn engagement. They then ſeparated; Philip took the road to Genoa, Richard that to Marſeilles; with a view of meeting their fleets, which were ſeverally appointed to rendezvous in theſe harbours. They put to ſea; and, nearly about the ſame time, were obliged, by ſtreſs of weather, to take ſhelter in Meſſina, where they were detained during the whole winter. This incident laid the foundation of animoſities which proved fatal to their enterpriſe.

Richard and Philip were, by the ſituation and extent of their dominions, rivals in power; by their age and inclinations, competitors for glory. And theſe cauſes of emulation, which, had the princes been employed in the field againſt the common enemy, might have ſtimulated them to martial enterpriſes, ſoon excited, during the preſent leiſure and repoſe, quarrels between monarchs of ſuch a fiery character. Equally haughty, ambitious, intrepid, and inflexible, they were irritated with the leaſt appearance of injury, and were incapable, by mutual condeſcenſions, to efface thoſe cauſes of complaint which unavoidably aroſe between them. Richard, candid, ſincere, undeſigning, impolitic, violent, laid himſelf open, on every occaſion, to the deſigns of his antagoniſt; who, provident, intereſted, intriguing, failed not to take all advantages againſt him. And thus both the circumſtances of their diſpoſition in which they were ſimilar, and thoſe in which they differed, rendered it impoſſible for them to perſevere in that harmony which was ſo neceſſary to the ſucceſs of their undertaking.

TRANSACTIONS IN SICILY.

THE laſt king of Sicily and Naples was William II, who had married Joan, ſiſter to Richard; and who, dying without iſſue, had bequeathed his dominions to his paternal aunt Conſtantia, the only legitimate deſcendant ſurviving of Roger, the firſt ſovereign of thoſe ſtates who had been honoured with the royal title. This princeſs had, in expectation of that rich inheritance, been married to Henry VI, the reigning emperor;[k] but Tancred, her natural brother, had fixed ſuch an intereſt among the barons that, taking advantage of Henry's abſence, he had acquired poſſeſſion of the throne, and maintained his claim, by force of arms, againſt all the efforts of the Germans.[l] The approach of the cruſaders naturally gave him apprehenſions for his unſtable government; and he was uncertain whether he had moſt reaſon to dread the preſence of the French or of the Engliſh monarch. Philip was engaged in a ſtrict alliance with the emperor his competitor; Richard was diſguſted by his rigours towards the queen dowager, whom the Sicilian prince had confined in Palermo, becauſe ſhe had oppoſed with all her intereſt his ſucceſſion to the crown. Tancred, therefore, ſenſible of the preſent neceſſity, reſolved to pay court to both theſe formidable princes; and he was not unſucceſsful in his endeavours. He perſuaded Philip that it was highly improper for him to interrupt his enterpriſe againſt the infidels by any attempt againſt a Chriſtian ſtate. He reſtored queen Joan to her liberty; and even found means to make an alliance with Richard, who ſtipulated by treaty to marry his nephew Arthur, the young duke of Brittany, to one of the daughters of Tancred.[m] But, before theſe terms of friendſhip were ſettled, Richard, jealous both of Tancred and of the inhabitants of Meſſina, had taken up his quarters in the

ſuburbs, and had poſſeſſed himſelf of a ſmall fort which commanded the harbour; and he kept himſelf extremely on his guard againſt their enterpriſes. The citizens took umbrage; mutual inſults and attacks paſſed between them and the Engliſh; Philip, who had quartered his troops in the town, endeavoured to accommodate the quarrel, and held a conference with Richard for that purpoſe. While the two kings, meeting in the open fields, were engaged in diſcourſe on this ſubject, a body of thoſe Sicilians ſeemed to be drawing towards them; and Richard puſhed forwards, in order to inquire into the reaſon of this extraordinary movement.[n] The Engliſh, inſolent from their power, and inflamed with former animoſities, wanted but a pretence for attacking the Meſſineſe; they ſoon chaſed them off the field, drove them into the town, and entered with them at the gates. The king employed his authority to reſtrain them from pillaging and maſſacring the defenceleſs inhabitants; but he gave orders, in token of his victory, that the ſtandard of England ſhould be erected on the walls. Philip, who conſidered that place as his quarters, exclaimed againſt the inſult, and ordered ſome of his troops to pull down the ſtandard: but Richard informed him, by a meſſenger, that, though he himſelf would willingly remove that ground of offence, he would not permit it to be done by others; and, if the French king attempted ſuch an inſult upon him, he ſhould not ſucceed but by the utmoſt effuſion of blood. Philip, content with this ſpecies of haughty ſubmiſſion, recalled his orders.[o] The difference was ſeemingly accommodated; but ſtill left the remains of rancour and jealouſy in the breaſts of the two monarchs.

Tancred, who, for his own ſecurity, deſired to inflame their mutual hatred, employed an artifice which might have been attended with conſequences ſtill more fatal. He ſhewed Richard a letter, ſigned by the French king, and delivered to him, as he

pretended, by the duke of Burgundy; in which that monarch defired Tancred to fall upon the quarters of the Engliſh, and promiſed to aſſiſt him in putting them to the ſword as common enemies. The unwary Richard gave credit to the information; but was too candid not to betray his diſcontent to Philip; who abſolutely denied the letter, and charged the Sicilian prince with forgery and falſehood. Richard either was, or pretended to be, entirely ſatisfied.[p]

Leſt theſe jealouſies and complaints ſhould multiply between them, it was propoſed that they ſhould, by a ſolemn treaty, obviate all future differences, and adjuſt every point that could poſſibly hereafter become a controverſy between them. But this expedient ſtarted a new diſpute, which might have proved more dangerous than any of the foregoing, and which deeply concerned the honour of Philip's family. When Richard, in every treaty with the late king, inſiſted ſo ſtrenuouſly on being allowed to marry Alice of France, he had only ſought a pretence for quarrelling; and never meant to take to his bed a princeſs ſuſpected of a criminal amour with his own father. After he became maſter he no longer ſpake of that alliance; he even took meaſures for eſpouſing Berengaria, daughter of Sanchez king of Navarre, with whom he had become enamoured during his abode in Guienne.[q] Queen Eleanor was daily expected with that princeſs at Meſſina;[r] and, when Philip renewed to him his applications for eſpouſing his ſiſter Alice, Richard was obliged to give him an abſolute refuſal. It is pretended, by Hoveden and other hiſtorians,[s] that he was able to produce ſuch convincing proofs of Alice's infidelity, and even of her having born a child to Henry, that her brother deſiſted from his applications, and choſe to wrap up the diſhonour of his family in ſilence and oblivion. It is certain, from the treaty itſelf,[t] which remains, that, whatever were his motives, he permitted Richard to give

his hand to Berengaria; and, having ſettled all other controverſies with that prince, he immediately ſet ſail for the holy land. Richard awaited ſome time the arrival of his mother and bride; and, when they joined him, he ſeparated his fleet into two ſquadrons, and ſet forward on his enterpriſe. Queen Eleanor returned to England; but Berengaria, and the queen dowager of Sicily, his ſiſter, attended him on the expedition.[n]

The Engliſh fleet, on leaving the port of Meſſina, met with a furious tempeſt; and the ſquadron in which the two princeſſes were embarked was driven on the coaſt of Cyprus, and ſome of the veſſels were wrecked near Limiſſo in that iſland. Iſaac, prince of Cyprus, who aſſumed the magnificent title of Emperor, pillaged the ſhips that were ſtranded, threw the ſeamen and paſſengers into priſon, and even refuſed to the princeſſes liberty, in their dangerous ſituation, of entering the harbour of Limiſſo. But Richard, who arrived ſoon after, took ample vengeance on him for the injury. He diſembarked his troops; defeated the tyrant who oppoſed his landing; entered Limiſſo by ſtorm; gained next day a ſecond victory; obliged Iſaac to ſurrender at diſcretion; and eſtabliſhed governors over the iſland. The Greek prince, being thrown into priſon and loaded with irons, complained of the little regard with which he was treated; upon which Richard ordered ſilver fetters to be made for him; and this emperor, pleaſed with the diſtinction, expreſſed a ſenſe of the generoſity of his conqueror.[w] The king here eſpouſed Berengaria; who, immediately embarking, carried along with her to Paleſtine the daughter of the Cypriot prince; a dangerous rival, who was believed to have ſeduced the affections of her huſband. Such were the libertine character and conduct of the heroes engaged in this pious enterpriſe!

THE Engliſh army arrived in time to partake in the glory of the ſiege of Acre or Ptolemais, which had been attacked for above two years by the united force of all the Chriſtians in Paleſtine, and had been defended by the utmoſt efforts of Saladin and the Saracens. The remains of the German army, conducted by the emperor Frederic, and the ſeparate bodies of adventurers who continually poured in from the weſt, had enabled the king of Jeruſalem to form this important enterpriſe: but Saladin, having thrown a ſtrong garriſon into the place, under the command of Caracos, his own maſter in the art of war, and moleſting the beſiegers with continual attacks and ſallies, had protracted the ſucceſs of the enterpriſe, and waſted the force of his enemies. The arrival of Philip and Richard inſpired new life into the Chriſtians; and theſe princes, acting by concert, and ſharing the honour and danger of every action, gave hopes of a final victory over the infidels. They agreed on this plan of operations: when the French monarch attacked the town, the Engliſh guarded the trenches; next day, when the Engliſh prince conducted the aſſault, the French ſucceeded him in providing for the ſafety of the aſſailants. The emulation between thoſe rival kings and rival nations produced extraordinary acts of valour. Richard in particular, animated with a more precipitate courage than Philip, and more agreeable to the romantic ſpirit of that age, drew to himſelf the general attention, and acquired a great and ſplendid reputation. But this harmony was of ſhort duration; and occaſions of diſcord ſoon aroſe between theſe jealous and haughty princes.

STATE OF PALESTINE.

THE family of Bouillon, which had firſt been placed on the throne of Jeruſalem, ending in a female, Fulk, count of Anjou, grandfather to Henry II. of England, married the heireſs of that kingdom, and tranſmitted his title to the younger branches of his family. The Anjevin race ending alſo in a female, Guy de Luſignan, by eſpouſing Sibylla, the heireſs, had ſucceeded to the title; and, though he loſt his kingdom by the invaſion of Saladin, he was ſtill acknowledged by all the Chriſtians for king of Jeruſalem.[y] But, as Sibylla died without iſſue during the ſiege of Acre, Iſabella, her younger ſiſter, put in her claim to that titular kingdom, and required Luſignan to reſign his pretenſions to her huſband Conrade, marquis of Montferrat. Luſignan, maintaining that the royal title was unalienable and indefeaſible, had recourſe to the protection of Richard, attended on him before he left Cyprus, and engaged him to embrace his cauſe.[z] There needed no other reaſon for throwing Philip into the party of Conrade; and the oppoſite views of theſe great monarchs brought faction and diſſenſion into the Chriſtian army, and retarded all its operations. The Templars, the Genoeſe, and the Germans, declared for Philip and Conrade; the Flemings, the Piſans, the knights of the hoſpital of St. John, adhered to Richard and Luſignan. But, notwithſtanding theſe diſputes, as the length of the ſiege had reduced the Saracen garriſon to the laſt extremity, they ſurrendered themſelves priſoners; ſtipulated, in return for their lives, other advantages to the Chriſtians, ſuch as the reſtoring of the Chriſtian priſoners, and the delivery of the wood of the true croſs;[a] and this great enterpriſe, which had long engaged the attention of all Europe and Aſia, was at laſt, after the loſs of three hundred thouſand men, brought to a happy period.

But Philip, inſtead of purſuing the hopes of farther conqueſt, and of redeeming the holy city from ſlavery, being diſguſted with the aſcendant aſſumed and acquired by Richard, and having views of many advantages which he might reap by his preſence in Europe, declared his reſolution of returning to France; and he pleaded his bad ſtate of health as an excuſe for his deſertion of the common cauſe. He left, however, to Richard ten thouſand of his troops, under the command of the duke of Burgundy; and he renewed his oath never to commence hoſtilities againſt that prince's dominions during his abſence. But he had no ſooner reached Italy than he applied, it is pretended, to pope Celeſtine III. for a diſpenſation from this vow; and, when denied that requeſt, he ſtill proceeded, though after a covert manner, in a project, which the preſent ſituation of England rendered inviting, and which gratified, in an eminent degree, both his reſentment and his ambition.

DISORDERS IN ENGLAND.

IMMEDIATELY after Richard had left England, and begun his march to the holy land, the two prelates, whom he had appointed guardians of the realm, broke out into animoſities againſt each other, and threw the kingdom into combuſtion. Longchamp, preſumptuous in his nature, elated by the favour which he enjoyed with his maſter, and armed with the legantine commiſſion, could not ſubmit to an equality with the biſhop of Durham: he even went ſo far as to arreſt his colleague, and to extort from him a reſignation of the earldom of Northumberland, and of his other dignities, as the price of his liberty.[b] The king, informed of theſe diſſenſions, ordered, by letters from Marſeilles, that the biſhop ſhould be reinſtated in his offices; but Longchamp had ſtill the boldneſs to refuſe compliance, on pretence

that he himſelf was better acquainted with the king's ſecret intentions.[c] He proceeded to govern the kingdom by his ſole authority; to treat all the nobility with arrogance; and to diſplay his power and riches with an invidious oſtentation. He never travelled without a ſtrong guard of fifteen hundred foreign ſoldiers, collected from that licentious tribe with which the age was generally infeſted; nobles and knights were proud of being admitted into his train; his retinue wore the aſpect of royal magnificence; and, when, in his progreſs through the kingdom, he lodged in any monaſtery, his attendants, it is ſaid, were ſufficient to devour, in one night, the revenue of ſeveral [d] years. The king, who was detained in Europe longer than the haughty prelate expected, hearing of this oſtentation, which exceeded even what the habits of that age indulged in eccleſiaſtics, being alſo informed of the inſolent tyrannical conduct of his miniſter, thought proper to reſtrain his power. He ſent new orders, appointing Walter archbiſhop of Rouen, William Mareſhal earl of Strigul, Geoffrey Fitz Peter, William Briewere, and Hugh Bardolf, counſellors to Longchamp, and commanding him to take no meaſure of importance without their concurrence and approbation. But ſuch general terror had this man impreſſed by his violent conduct, that even the archbiſhop of Rouen and the earl of Strigul durſt not produce this mandate of the king's; and Longchamp ſtill maintained an uncontrolled authority over the nation. But, when he proceeded ſo far as to throw into priſon Geoffrey archbiſhop of York, who had oppoſed his meaſures, this breach of eccleſiaſtical privileges excited ſuch an univerſal ferment that prince John, diſguſted with the ſmall ſhare he poſſeſſed in the government, and perſonally diſobliged by Longchamp, ventured to ſummon, at Reading, a general council of the nobility and prelates, and cite him to appear before them. Longchamp thought it dangerous to intruſt his perſon in their

hands, and he ſhut himſelf up in the Tower of London; but, being ſoon obliged to ſurrender that fortreſs, he fled beyond ſea, concealed under a female habit, and was deprived of his offices of chancellor and chief juſticiary; the laſt of which was conferred on the archbiſhop of Rouen, a prelate of prudence and moderation. The commiſſion of legate, however, which had been renewed to Longchamp by pope Celeſtine, ſtill gave him, notwithſtanding his abſence, great authority in the kingdom, enabled him to diſturb the government, and forwarded the views of Philip, who watched every opportunity of annoying Richard's dominions. That monarch firſt attempted to carry open war into Normandy: but, as the French nobility refuſed to follow him in an invaſion of a ſtate which they had ſworn to protect; and as the pope, who was the general guardian of all princes that had taken the croſs, threatened him with eccleſiaſtical cenſures; he deſiſted from his enterpriſe, and employed againſt England the expedient of ſecret policy and intrigue. He debauched prince John from his allegiance; promiſed him his ſiſter Alice in marriage; offered to give him poſſeſſion of all Richard's tranſmarine dominions: and, had not the authority of queen Eleanor, and the menaces of the Engliſh council, prevailed over the inclinations of that turbulent prince, he was ready to have croſſed the ſeas, and to have put in execution his criminal enterpriſes.

THE KING'S HEROIC ACTIONS. 1192.

THE jealouſy of Philip was every moment excited by the glory which the great actions of Richard were gaining him in the eaſt; and which, being compared to his own deſertion of that popular cauſe, threw a double luſtre on his rival. His envy, therefore, prompted him to obſcure that fame which he had

not equalled; and he embraced every pretence of throwing the moſt violent and moſt improbable calumnies on the king of England. There was a petty prince in Aſia, commonly called 'The old man of the mountain,' who had acquired ſuch an aſcendant over his fanatical ſubjects, that they paid the moſt implicit deference to his commands; eſteemed aſſaſſination meritorious when ſanctified by his mandate; courted danger, and even certain death, in the execution of his orders; and fancied that, when they ſacrificed their lives for his ſake, the higheſt joys of paradiſe were the infallible reward of their devoted obedience.[e] It was the cuſtom of this prince, when he imagined himſelf injured, to diſpatch ſecretly ſome of his ſubjects againſt the aggreſſor, to charge them with the execution of his revenge, to inſtruct them in every art of diſguiſing their purpoſe; and no precaution was ſufficient to guard any man, however powerful, againſt the attempts of thoſe ſubtle and determined ruffians. The greateſt monarchs ſtood in awe of this prince of the Aſſaſſins (for that was the name of his people; whence the word has paſſed into moſt European languages); and it was the higheſt indiſcretion in Conrade, marquis of Montferrat, to offend and affront him. The inhabitants of Tyre, who were governed by that nobleman, had put to death ſome of this dangerous people: the prince demanded ſatisfaction; for, as he piqued himſelf on never beginning any offence,[f] he had his regular and eſtabliſhed formalities in requiring atonement. Conrade treated his meſſengers with diſdain. The prince iſſued the fatal orders. Two of his ſubjects, who had inſinuated themſelves in diſguiſe among Conrade's guards, openly, in the ſtreets of Sidon, wounded him mortally; and, when they were ſeized and put to the moſt cruel tortures, they triumphed amidſt their agonies, and rejoiced that they had been deſtined by Heaven to ſuffer in ſo juſt and meritorious a cauſe.

Every one in Paleſtine knew from what hand the blow came. Richard was entirely free from ſuſpicion. Though that monarch had formerly maintained the cauſe of Luſignan againſt Conrade, he had become ſenſible of the bad effects attending thoſe diſſenſions, and had voluntarily conferred on the former the kingdom of Cyprus, on condition that he ſhould reſign to his rival all pretenſions to the crown of Jeruſalem.[g] Conrade himſelf, with his dying breath, had recommended his widow to the protection of Richard;[h] the prince of the Aſſaſſins avowed the action in a formal narrative which he ſent to Europe;[i] yet on this foundation the king of France thought fit to build the moſt egregious calumnies, and to impute to Richard the murder of the marquis of Montferrat, whoſe elevation he had once openly oppoſed. He filled all Europe with exclamations againſt the crime; appointed a guard for his own perſon, in order to defend himſelf againſt a like attempt;[k] and endeavoured, by theſe ſhallow artifices, to cover the infamy of attacking the dominions of a prince, whom he himſelf had deſerted, and who was engaged with ſo much glory in a war univerſally acknowledged to be the common cauſe of Chriſtendom.

But Richard's heroic actions in Paleſtine were the beſt apology for his conduct. The Chriſtian adventurers under his command determined, on opening the campaign, to attempt the ſiege of Aſcalon, in order to prepare the way for that of Jeruſalem; and they marched along the ſea coaſt with that intention. Saladin purpoſed to intercept their paſſage; and he placed himſelf on the road with an army amounting to three hundred thouſand combatants. On this occaſion was fought one of the greateſt battles of that age; and the moſt celebrated for the military genius of the commanders, for the number and valour of the troops, and for the great variety of events which attended it. Both the right wing of the Chriſtians, commanded by d'Aveſnes,

and the left, conducted by the duke of Burgundy, were, in the beginning of the day, broken and defeated; when Richard, who led on the main body, reſtored the battle; attacked the enemy with intrepidity and preſence of mind; performed the part both of a conſummate general and gallant ſoldier; and not only gave his two wings leiſure to recover from their confuſion, but obtained a complete victory over the Saracens, of whom forty thouſand are ſaid to have periſhed in the field.[l] Aſcalon ſoon after fell into the hands of the Chriſtians: other ſieges were carried on with equal ſucceſs: Richard was even able to advance within ſight of Jeruſalem, the object of his enterpriſe; when he had the mortification to find that he muſt abandon all hopes of immediate ſucceſs, and muſt put a ſtop to his career of victory. The cruſaders, animated with an enthuſiaſtic ardour for the holy wars, broke at firſt through all regards to ſafety or intereſt in the proſecution of their purpoſe; and, truſting to the immediate aſſiſtance of Heaven, ſet nothing before their eyes but fame and victory in this world, and a crown of glory in the next. But long abſence from home, fatigue, diſeaſe, want, and the variety of incidents which naturally attend war, had gradually abated that fury, which nothing was able directly to withſtand; and every one, except the king of England, expreſſed a deſire of ſpeedily returning into Europe. The Germans and the Italians declared their reſolution of deſiſting from the enterpriſe; the French were ſtill more obſtinate in this purpoſe; the duke of Burgundy, in order to pay court to Philip, took all opportunities of mortifying and oppoſing Richard;[m] and there appeared an abſolute neceſſity of abandoning for the preſent all hopes of farther conqueſt, and of ſecuring the acquiſitions of the Chriſtians by an accommodation with Saladin. Richard, therefore, concluded a truce with that monarch, and ſtipulated that Acre, Joppa, and other ſeaport towns of Paleſtine, ſhould remain in

RICHARD THE FIRST IN PALESTINE.

the hands of the Chriſtians, and that every one of that religion ſhould have liberty to perform his pilgrimage to Jeruſalem unmoleſted. This truce was concluded for three years, three months, three weeks, three days, and three hours; a magical number, which had probably been deviſed by the Europeans, and which was ſuggeſted by a ſuperſtition well ſuited to the object of the war.

The liberty in which Saladin indulged the Chriſtians, to perform their pilgrimages to Jeruſalem, was an eaſy ſacrifice on his part; and the furious wars which he waged in defence of the barren territory of Judea were not with him, as with the European adventurers, the reſult of ſuperſtition, but of policy. The advantage indeed of ſcience, moderation, humanity, was at that time entirely on the ſide of the Saracens; and this gallant emperor, in particular, diſplayed, during the courſe of the war, a ſpirit and generoſity which even his bigotted enemies were obliged to acknowledge and admire. Richard, equally martial and brave, carried with him more of the barbarian character; and was guilty of acts of ferocity which threw a ſtain on his celebrated victories. When Saladin refuſed to ratify the capitulation of Acre, the king of England ordered all his priſoners, to the number of five thouſand, to be butchered; and the Saracens found themſelves obliged to retaliate upon the Chriſtians by a like cruelty.[n] Saladin died at Damaſcus ſoon after concluding this truce with the princes of the cruſade. It is memorable that, before he expired, he ordered his winding ſheet to be carried as a ſtandard through every ſtreet of the city; while a crier went before, and proclaimed with a loud voice, 'This is all that remains to the mighty Saladin, the conqueror of the eaſt.' By his laſt will he ordered charities to be diſtributed to the poor, without diſtinction of Jew, Chriſtian, or Mahometan.

KING'S RETURN AND CAPTIVITY. 1193.

THERE remained, after the truce, no buſineſs of importance to detain Richard in Paleſtine; and the intelligence which he received, concerning the intrigues of his brother John and thoſe of the king of France, made him ſenſible that his preſence was neceſſary in Europe. As he dared not to paſs through France, he ſailed to the Adriatic; and, being ſhipwrecked near Aquileia, he put on the diſguiſe of a pilgrim, with a purpoſe of taking his journey ſecretly through Germany. Purſued by the governor of Iſtria, he was forced out of the direct road to England, and was obliged to paſs by Vienna; where his expenſes and liberalities betrayed the monarch in the habit of the pilgrim; and he was arreſted by orders of Leopold duke of Auſtria. This prince had ſerved under Richard at the ſiege of Acre; but, being diſguſted by ſome inſult of that haughty monarch, he was ſo ungenerous as to ſeize the preſent opportunity of gratifying at once his avarice and revenge; and he threw the king into priſon. The emperor Henry VI. who alſo conſidered Richard as an enemy, on account of the alliance contracted by him with Tancred king of Sicily, diſpatched meſſengers to the duke of Auſtria, required the royal captive to be delivered to him, and ſtipulated a large ſum of money as a reward for this ſervice. Thus the king of England, who had filled the whole world with his renown, found himſelf, during the moſt critical ſtate of his affairs, confined in a dungeon, and loaded with irons, in the heart of Germany,° and entirely at the mercy of his enemies, the baſeſt and moſt ſordid of mankind.

The Engliſh council was aſtoniſhed on receiving this fatal intelligence; and foreſaw all the dangerous conſequences which might naturally ariſe from that event. The queen dowager wrote

reiterated letters to pope Celeſtine, exclaiming againſt the injury which her ſon had ſuſtained; repreſenting the impiety of detaining in priſon the moſt illuſtrious prince that had yet carried the banners of Chriſt into the holy land; claiming the protection of the apoſtolic ſee, which was due even to the meaneſt of thoſe adventurers; and upbraiding the pope that, in a cauſe where juſtice, religion, and the dignity of the church, were ſo much concerned; a cauſe which it might well befit his holineſs himſelf to ſupport by taking in perſon a journey to Germany; the ſpiritual thunders ſhould ſo long be ſuſpended over thoſe ſacrilegious offenders.[p] The zeal of Celeſtine correſponded not to the impatience of the queen mother; and the regency of England were, for a long time, left to ſtruggle alone with all their domeſtic and foreign enemies.

WAR WITH FRANCE.

THE king of France, quickly informed of Richard's confinement by a meſſage from the emperor,[q] prepared himſelf to take advantage of the incident; and he employed every means of force and intrigue, of war and negociation, againſt the dominions and the perſon of his unfortunate rival. He revived the calumny of Richard's aſſaſſinating the marquis of Montferrat; and by that abſurd pretence he induced his barons to violate their oaths, by which they had engaged that, during the cruſade, they never would, on any account, attack the dominions of the king of England. He made the emperor the largeſt offers, if he would deliver into his hands the royal priſoner, or at leaſt detain him in perpetual captivity. He even formed an alliance by marriage with the king of Denmark, deſired that the ancient Daniſh claim to the crown of England ſhould be transferred to him, and ſolicited a ſupply of ſhipping to maintain it. But the moſt ſuc-

ceſsful of Philip's negociations was with prince John; who, forgetting every tie to his brother, his ſovereign, and his benefactor, thought of nothing but how to make his own advantage of the public calamities. That traitor, on the firſt invitation from the court of France, ſuddenly went abroad, had a conference with Philip, and made a treaty, of which the object was the perpetual ruin of his unhappy brother. He ſtipulated to deliver into Philip's hands a great part of Normandy;[r] he received, in return, the inveſtiture of all Richard's tranſmarine dominions; and it is reported by ſeveral hiſtorians that he even did homage to the French king for the crown of England.

In conſequence of this treaty Philip invaded Normandy; and, by the treachery of John's emiſſaries, made himſelf maſter, without oppoſition, of many fortreſſes; Neufchatel, Neaufle, Giſors, Pacey, Ivree: he ſubdued the counties of Eu and Aumale; and, advancing to form the ſiege of Rouen, he threatened to put all the inhabitants to the ſword, if they dared to make reſiſtance. Happily Robert earl of Leiceſter appeared in that critical moment; a gallant nobleman, who had acquired great honour during the cruſade, and who, being more fortunate than his maſter in finding his paſſage homewards, took on him the command in Rouen, and exerted himſelf, by his exhortations and example, to infuſe courage into the diſmayed Normans. Philip was repulſed in every attack; the time of ſervice from his vaſſals expired; and he conſented to a truce with the Engliſh regency, received in return the promiſe of twenty thouſand marks, and had four caſtles put into his hands as ſecurity for the payment.[s]

Prince John, who, with a view of increaſing the general confuſion, went over to England, was ſtill leſs ſucceſsful in his enterpriſes. He was only able to make himſelf maſter of the caſtles of Windſor and Wallingford; but, when he arrived in London,

and claimed the kingdom as heir to his brother, of whoſe death he pretended to have received certain intelligence, he was rejected by all the barons, and meaſures were taken to oppoſe and ſubdue him.[t] The juſticiaries, ſupported by the general affection of the people, provided ſo well for the defence of the kingdom, that John was obliged, after ſome fruitleſs efforts, to conclude a truce with them; and before its expiration he thought it prudent to return into France, where he openly avowed his alliance with Philip.[u]

THE KING'S DELIVERY AND RETURN. 1194.

MEANWHILE the high ſpirit of Richard ſuffered in Germany every kind of inſult and indignity. The French ambaſſadors, in their maſter's name, renounced him as a vaſſal to the crown of France, and declared all his fiefs to be forfeited to his liege lord. The emperor, that he might render him more impatient for the recovery of his liberty, and make him ſubmit to the payment of a larger ranſom, treated him with the greateſt ſeverity, and reduced him to a condition worſe than that of the meaneſt malefactor. He was even produced before the diet of the empire at Worms, and accuſed by Henry of many crimes and miſdemeanors; of making an alliance with Tancred, the uſurper of Sicily; of turning the arms of the cruſade againſt a Chriſtian prince, and ſubduing Cyprus; of affronting the duke of Auſtria before Acre; of obſtructing the progreſs of the Chriſtian arms by his quarrels with the king of France; of aſſaſſinating Conrade marquis of Montferrat; and of concluding a truce with Saladin, and leaving Jeruſalem in the hands of the Saracen emperor.[w] Richard, whoſe ſpirit was not broken by his misfortunes, and whoſe genius was rather rouſed by theſe frivolous or ſcandalous imputations, after premiſing that his dignity exempted

him from anſwering before any juriſdiction except that of Heaven, yet condeſcended, for the ſake of his reputation, to juſtify his conduct before that great aſſembly. He obſerved that he had no hand in Tancred's elevation, and only concluded a treaty with a prince whom he found in poſſeſſion of the throne: that the king, or rather tyrant, of Cyprus had provoked his indignation by the moſt ungenerous and unjuſt proceedings; and, though he chaſtiſed this aggreſſor, he had not retarded a moment the progreſs of his chief enterpriſe: that, if he had at any time been wanting in civility to the duke of Auſtria, he had already been ſufficiently puniſhed for that ſally of paſſion; and it better became men, embarked together in ſo holy a cauſe, to forgive each other's infirmities than to purſue a ſlight offence with ſuch unrelenting vengeance: that it had ſufficiently appeared by the event whether the king of France or he were moſt zealous for the conqueſt of the holy land, and were moſt likely to ſacrifice private paſſions and animoſities to that great object: that, if the whole tenor of his life had not ſhewn him incapable of a baſe aſſaſſination, and juſtified him from that imputation in the eyes of his very enemies, it was in vain for him at preſent to make his apology, or plead the many irrefragable arguments which he could produce in his own favour: and that, however he might regret the neceſſity, he was ſo far from being aſhamed of his truce with Saladin that he rather gloried in that event; and thought it extremely honourable that, though abandoned by all the world, ſupported only by his own courage and by the ſmall remains of his national troops, he could yet obtain ſuch conditions from the moſt powerful and moſt warlike emperor that the eaſt had ever yet produced. Richard, after thus deigning to apologize for his conduct, burſt out into indignation at the cruel treatment which he had met with: that he, the champion of the croſs, ſtill wearing that honourable badge,

ſhould, after expending the blood and treaſure of his ſubjects in the common cauſe of Chriſtendom, be intercepted by Chriſtian princes in his return to his own country; be thrown into a dungeon; be loaded with irons; be obliged to plead his cauſe, as if he were a ſubject and a malefactor; and, what he ſtill more regretted, be thereby prevented from making preparations for a new cruſade, which he had projected after the expiration of the truce, and from redeeming the ſepulchre of Chriſt, which had ſo long been profaned by the dominion of infidels. The ſpirit and eloquence of Richard made ſuch impreſſion on the German princes that they exclaimed loudly againſt the conduct of the emperor; the pope threatened him with excommunication; and Henry, who had hearkened to the propoſals of the king of France and prince John, found that it would be impracticable for him to execute his and their baſe purpoſes, or to detain the king of England any longer in captivity. He therefore concluded with him a treaty for his ranſom, and agreed to reſtore him to his freedom for the ſum of one hundred and fifty thouſand marks, about three hundred thouſand pounds of our preſent money; of which one hundred thouſand marks were to be paid before he received his liberty, and ſixty-ſeven hoſtages delivered for the remainder.[x] The emperor, as if to gloſs over the infamy of this tranſaction, made at the ſame time a preſent to Richard of the kingdom of Arles, comprehending Provence, Dauphiny, Narbonne, and other ſtates, over which the empire had ſome antiquated claims; a preſent which the king very wiſely neglected.

The captivity of the ſuperior lord was one of the caſes provided for by the feudal tenures; and all the vaſſals were in that event obliged to give an aid for his ranſom. Twenty ſhillings were therefore levied on each knight's fee in England: but, as this money came in ſlowly, and was not ſufficient for the in-

tended purpoſe, the voluntary zeal of the people readily ſupplied the deficiency. The churches and monaſteries melted down their plate, to the amount of thirty thouſand marks; the biſhops, abbots, and nobles, paid a fourth of their yearly rent; the parochial clergy contributed a tenth of their tithes: and, the requiſite ſum being thus collected, queen Eleanor, and Walter archbiſhop of Rouen, ſet out with it for Germany; paid the money to the emperor and the duke of Auſtria at Mentz; delivered them hoſtages for the remainder; and freed Richard from captivity. His eſcape was very critical. Henry had been detected in the aſſaſſination of the biſhop of Liege, and in an attempt of a like nature on the duke of Louvaine; and, finding himſelf extremely obnoxious to the German princes on account of theſe odious practices, he had determined to ſeek ſupport from an alliance with the king of France; to detain Richard, the enemy of that prince, in perpetual captivity; to keep in his hands the money which he had already received for his ranſom; and to extort freſh ſums from Philip and prince John, who were very liberal in their offers to him. He therefore gave orders that Richard ſhould be purſued and arreſted: but the king, making all imaginable haſte, had already embarked at the mouth of the Scheldt, and was out of ſight of land when the meſſengers of the emperor reached Antwerp.

The joy of the Engliſh was extreme on the appearance of their monarch; who had ſuffered ſo many calamities; who had acquired ſo much glory; and who had ſpread the reputation of their name into the fartheſt eaſt, whither their fame had never before been able to extend. He gave them, ſoon after his arrival, an opportunity of publicly diſplaying their exultation, by ordering himſelf to be crowned anew at Wincheſter; as if he intended by that ceremony to reinſtate himſelf in his throne, and to wipe off the ignominy of his captivity. Their ſatisfaction

was not damped, even when he declared his purpoſe of reſuming all thoſe exorbitant grants which he had been neceſſitated to make before his departure for the holy land. The barons alſo, in a great council, confiſcated, on account of his treaſon, all prince John's poſſeſſions in England; and they aſſiſted the king in reducing the fortreſſes which ſtill remained in the hands of his brother's adherents.[y] Richard, having ſettled every thing in England, paſſed over with an army into Normandy; being impatient to make war on Philip, and to revenge himſelf for the many injuries which he had received from that monarch.[z] As ſoon as Philip heard of the king's deliverance from captivity he wrote to his confederate John in theſe terms; 'Take care of yourſelf;[a] the devil is broken looſe.'

WAR WITH FRANCE.

When we conſider ſuch powerful and martial monarchs; inflamed with perſonal animoſity againſt each other, enraged by mutual injuries, excited by rivalſhip, impelled by oppoſite intereſts, and inſtigated by the pride and violence of their own temper; our curioſity is naturally raiſed, and we expect an obſtinate and furious war, diſtinguiſhed by the greateſt events, and concluded by ſome remarkable cataſtrophe. Yet are the incidents which attend thoſe hoſtilities ſo frivolous, that ſcarce any hiſtorian can entertain ſuch a paſſion for military deſcriptions as to venture on a detail of them. A certain proof of the extreme weakneſs of princes in thoſe ages, and of the little authority they poſſeſſed over their refractory vaſſals! The whole amount of the exploits on both ſides is the taking of a caſtle, the ſurpriſe of a ſtraggling party, a rencounter of horſe, which reſembles more a rout than a battle. Richard obliged Philip to raiſe the ſiege of Verneuil; he took Loches, a ſmall town in Anjou;

he made himſelf maſter of Beaumont, and ſome other places of little conſequence; and, after theſe trivial exploits, the two kings began already to hold conferences for an accommodation. Philip inſiſted that, if a general peace were concluded, the barons on each ſide ſhould, for the future, be prohibited from carrying on private wars againſt each other: but Richard replied that this was a right claimed by his vaſſals, and he could not debar them from it. After this fruitleſs negociation there enſued an action between the French and Engliſh cavalry at Fretteval, in which the former were routed, and the king of France's cartulary and records, which commonly at that time attended his perſon, were taken. But this victory leading to no important advantages, a truce for a year was at laſt, from mutual weakneſs, concluded between the two monarchs.

During this war prince John deſerted from Philip, threw himſelf at his brother's feet, craved pardon for his offences, and by the interceſſion of queen Eleanor was received into favour. 'I forgive him,' ſaid the king, 'and hope I ſhall as eaſily forget his injuries as he will my pardon.' John was incapable even of returning to his duty without committing a baſeneſs. Before he left Philip's party he invited to dinner all the officers of the garriſon which that prince had placed in the citadel of Evreux; he maſſacred them during the entertainment; fell, with the aſſiſtance of the townſmen, on the garriſon, whom he put to the ſword; and then delivered up the place to his brother.

The king of France was the great object of Richard's reſentment and animoſity. The conduct of John, as well as that of the emperor and duke of Auſtria, had been ſo baſe, and was expoſed to ſuch general odium and reproach, that the king deemed himſelf ſufficiently revenged for their injuries; and he ſeems never to have entertained any project of vengeance againſt any of them. The duke of Auſtria, about this time, having

Painted by B. West, Historical Painter to His Majesty & P.R.A. Published by B. Brown, Historic Gallery, Pall Mall, June 1, 1798 Engraved by J. Neagle

cruſhed his leg by the fall of his horſe at a tournament, was thrown into a fever; and, being ſtruck, on the approaches of death, with remorſe for his injuſtice to Richard, he ordered, by will, all the Engliſh hoſtages in his hands to be ſet at liberty, and the remainder of the debt due to him to be remitted. His ſon, who ſeemed inclined to diſobey theſe orders, was conſtrained by his eccleſiaſtics to execute them.[b] The emperor alſo made advances for Richard's friendſhip, and offered to give him a diſcharge of all the debt not yet paid to him, provided he would enter into an offenſive alliance againſt the king of France; a propoſal which was very acceptable to Richard, and was greedily embraced by him. The treaty with the emperor took no effect; but it ſerved to rekindle the war between France and England before the expiration of the truce. This war was not diſtinguiſhed by any more remarkable incidents than the foregoing. After mutually ravaging the open country, and taking a few inſignificant caſtles, the two kings concluded a peace at Louviers, and made an exchange of ſome territories with each other.[c] Their inability to wage war occaſioned the peace. Their mutual antipathy engaged them again in war before two months expired. Richard imagined that he had now found an opportunity of gaining great advantages over his rival, by forming an alliance with the counts of Flanders, Toulouſe, Boulogne, Champagne, and other conſiderable vaſſals[d] of the crown of France. But he ſoon experienced the inſincerity of thoſe princes; and was not able to make any impreſſion on that kingdom, while governed by a monarch of ſo much vigour and activity as Philip. The moſt remarkable incident of this war was the taking priſoner in battle the biſhop of Beauvais, a martial prelate, who was of the family of Dreux, and a near relation of the French king's. Richard, who hated that biſhop, threw him into priſon, and loaded him with irons; and, when the pope demanded

his liberty, and claimed him as his ſon, the king ſent to his holineſs the coat of mail which the prelate had worn in battle, and which was all beſmeared with blood: and he replied to him, in the terms employed by Jacob's ſons to that patriarch, 'This have we found; know now whether it be thy ſon's [e] coat or no.' This new war between England and France, though carried on with ſuch animoſity that both kings frequently put out the eyes of their priſoners, was ſoon finiſhed by a truce of five years; and immediately after ſigning this treaty the kings were ready, on ſome new offence, to break out again into hoſtilities; when the mediation of the cardinal of St. Mary, the pope's legate, accommodated the difference.[f] This prelate even engaged the princes to commence a treaty for a more durable peace; but the death of Richard put an end to the negociation.

DEATH AND CHARACTER OF THE KING. 1199.

VIDOMAR, viſcount of Limoges, a vaſſal of the king's, had found a treaſure, of which he ſent part to that prince as a preſent. Richard, as ſuperior lord, claimed the whole; and, at the head of ſome Brabançons, beſieged the viſcount in the caſtle of Chalus, near Limoges, in order to make him comply with his demand.[g] The garriſon offered to ſurrender; but the king replied that, ſince he had taken the pains to come thither and beſiege the place in perſon, he would take it by force, and would hang every one of them. The ſame day Richard, accompanied by Marcadee, leader of his Brabançons, approached the caſtle in order to ſurvey it; when one Bertrand de Gourdon, an archer, took aim at him, and pierced his ſhoulder with an arrow. The king, however, gave orders for the aſſault, took the place, and hanged all the garriſon, except Gourdon, who had wounded

him, and whom he reſerved for a more deliberate and more cruel execution.[h]

The wound was not in itſelf dangerous; but the unſkilfulneſs of the ſurgeon made it mortal. He ſo rankled Richard's ſhoulder in pulling out the arrow, that a gangrene enſued; and that prince was now ſenſible that his life was drawing towards a period. He ſent for Gourdon, and aſked him, 'Wretch, what have I ever done to you, to oblige you to ſeek my life?'....'What have you done to me?' replied coolly the priſoner; 'You killed with your own hands my father and my two brothers; and you intended to have hanged myſelf: I am now in your power, and you may take revenge, by inflicting on me the moſt ſevere torments; but I ſhall endure them all with pleaſure, provided I can think that I have been ſo happy as to rid the world [i] of ſuch a nuiſance.' Richard, ſtruck with the reaſonableneſs of this reply, and humbled by the near approach of death, ordered Gourdon to be ſet at liberty, and a ſum of money to be given him; but Marcadee, unknown to him, ſeized the unhappy man, flayed him alive, and then hanged him. Richard died on the ſixth of April, in the tenth year of his reign, and the forty-ſecond of his age; and he left no iſſue behind him.

The moſt ſhining part of this prince's character are his military talents. No man, even in that romantic age, carried perſonal courage and intrepidity to a greater height; and this quality gained him the appellation of the lion-hearted, 'cœur de lion.' He paſſionately loved glory, chiefly military glory; and, as his conduct in the field was not inferior to his valour, he ſeems to have poſſeſſed every talent neceſſary for acquiring it. His reſentments alſo were high; his pride unconquerable; and his ſubjects, as well as his neighbours, had therefore reaſon to apprehend, from the continuance of his reign, a perpetual ſcene of blood and violence. Of an impetuous and vehement ſpirit,

he was diſtinguiſhed by all the good as well as the bad qualities incident to that character: he was open, frank, generous, ſincere, and brave; he was revengeful, domineering, ambitious, haughty, and cruel; and was thus better calculated to dazzle men by the ſplendour of his enterpriſes, than either to promote their happineſs or his own grandeur by a ſound and well regulated policy. As military talents make great impreſſion on the people, he ſeems to have been much beloved by his Engliſh ſubjects; and he is remarked to have been the firſt prince of the Norman line that bore any ſincere regard to them. He paſſed, however, only four months of his reign in that kingdom; the cruſade employed him near three years; he was detained about fourteen months in captivity; the reſt of his reign was ſpent either in war, or preparations for war, againſt France: and he was ſo pleaſed with the fame which he had acquired in the eaſt, that he determined, notwithſtanding his paſt misfortunes, to have farther exhauſted his kingdom, and to have expoſed himſelf to new hazards, by conducting another expedition againſt the infidels.

MISCELLANEOUS TRANSACTIONS.

Though the Engliſh pleaſed themſelves with the glory which the king's martial genius procured them, his reign was very oppreſſive, and ſomewhat arbitrary, by the high taxes which he levied on them, and often without conſent of the ſtates or great council. In the ninth year of his reign he levied five ſhillings on each hide of land; and, becauſe the clergy refuſed to contribute their ſhare, he put them out of the protection of law, and ordered the civil courts to give them no ſentence for any debts which they might claim.[k] Twice in his reign he ordered all his charters to be ſealed anew, and the parties to pay fees

for the renewal.[l] It is ſaid that Hubert, his juſticiary, ſent him over to France, in the ſpace of two years, no leſs a ſum than eleven hundred thouſand marks, beſides bearing all the charges of the government in England. But this account is quite incredible, unleſs we ſuppoſe that Richard made a thorough dilapidation of the demeſnes of the crown, which it is not likely he could do with any advantage after his former reſumption of all grants. A king, who poſſeſſed ſuch a revenue, could never have endured fourteen months captivity for not paying one hundred and fifty thouſand marks to the emperor, and be obliged at laſt to leave hoſtages for a third of the ſum. The prices of commodities in this reign are alſo a certain proof that no ſuch enormous ſum could be levied on the people. A hide of land, or about a hundred and twenty acres, was commonly let at twenty ſhillings a year money of that time. As there were two hundred and forty-three thouſand ſix hundred hides in England, it is eaſy to compute the amount of all the landed rents of the kingdom. The general and ſtated price of an ox was four ſhillings; of a labouring horſe the ſame; of a ſow, one ſhilling; of a ſheep with fine wool, ten pence; with coarſe wool,[m] ſix pence. Theſe commodities ſeem not to have advanced in their prices ſince the conqueſt,[n] and to have ſtill been ten times cheaper than at preſent.

Richard renewed the ſevere laws againſt tranſgreſſors in his foreſts, whom he puniſhed by caſtration and putting out their eyes, as in the reign of his great-grandfather. He eſtabliſhed by law one weight and meaſure throughout his kingdom.[o] A uſeful inſtitution, which the mercenary diſpoſition and neceſſities of his ſucceſſor engaged him to diſpenſe with for money.

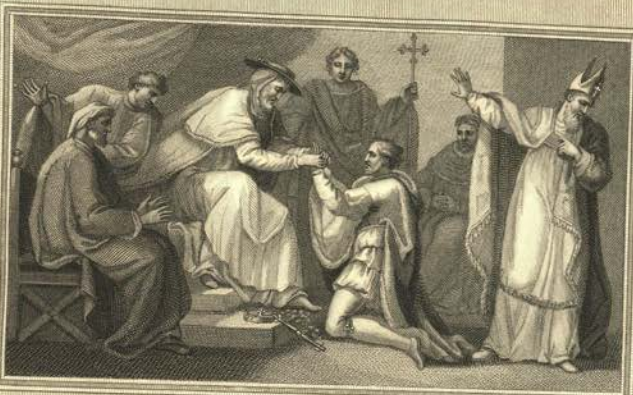
The diſorders in London, derived from its bad police, had riſen to a great height during this reign; and in the year 1196 there ſeemed to be formed ſo regular a conſpiracy among the

numerous malefactors as threatened the city with deſtruction. There was one William Fitz Oſbert, commonly called Long-beard, a lawyer, who had rendered himſelf extremely popular among the lower rank of citizens; and, by defending them on all occaſions, had acquired the appellation of the advocate or ſaviour of the poor. He exerted his authority by injuring and inſulting the more ſubſtantial citizens, with whom he lived in a ſtate of hoſtility, and who were every moment expoſed to the moſt outrageous violences from him and his licentious emiſſaries. Murders were daily committed in the ſtreets; houſes were broken open and pillaged in daylight; and it is pretended that no leſs than fifty-two thouſand perſons had entered into an aſſociation, by which they bound themſelves to obey all the orders of this dangerous ruffian. Archbiſhop Hubert, who was then chief juſticiary, ſummoned him before the council to anſwer for his conduct; but he came ſo well attended that no one durſt accuſe him, or give evidence againſt him; and the primate, finding the impotence of law, contented himſelf with exacting from the citizens hoſtages for their good behaviour. He kept, however, a watchful eye on Fitz Oſbert; and, ſeizing a favourable opportunity, attempted to commit him to cuſtody: but the criminal, murdering one of the public officers, eſcaped with his concubine to the church of St. Mary le Bow, where he defended himſelf by force of arms. He was at laſt forced from his retreat, condemned, and executed, amidſt the regrets of the populace; who were ſo devoted to his memory that they ſtole his gibbet, paid the ſame veneration to it as to the croſs, and were equally zealous in propagating and atteſting reports of the miracles wrought by it.[p] But, though the ſectaries of this ſuperſtition were puniſhed by the juſticiary,[q] it received ſo little encouragement from the eſtabliſhed clergy, whoſe property was endangered by ſuch ſeditious practices, that it ſuddenly ſunk and vaniſhed.

It was during the cruſades that the cuſtom of uſing coats of arms was firſt introduced into Europe. The knights, caſed up in armour, had no way to make themſelves be known and diſtinguiſhed in battle but by the devices on their ſhields; and theſe were gradually adopted by their poſterity and families, who were proud of the pious and military enterpriſes of their anceſtors.

King Richard was a paſſionate lover of poetry; there even remain ſome poetical works of his compoſition; and he bears a rank among the Provençal poets or Trobadores, who were the firſt of the modern Europeans that diſtinguiſhed themſelves by attempts of that nature.

SUBMISSION OF JOHN.



CHAP. XI.

JOHN.

ACCESSION OF THE KING: HIS MARRIAGE: WAR WITH FRANCE: MURDER OF ARTHUR DUKE OF BRITANNY. THE KING EXPELLED FROM ALL THE FRENCH PROVINCES: EXCOMMUNICATION OF THE KING: THE KINGS SUBMISSION TO THE POPE: MAGNA CHARTA: DEATH: AND CHARACTER OF THE KING.

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CHAPTER XI.

JOHN.

1199....1216.

ACCESSION OF THE KING....HIS MARRIAGE....WAR WITH FRANCE ....MURDER OF ARTHUR DUKE OF BRITTANY....THE KING EXPELLED THE FRENCH PROVINCES....THE KING'S QUARREL WITH THE COURT OF ROME....CARDINAL LANGTON APPOINTED ARCHBISHOP OF CANTERBURY....INTERDICT OF THE KINGDOM....EXCOMMUNICATION OF THE KING....THE KING'S SUBMISSION TO THE POPE....DISCONTENTS AND INSURRECTION OF THE BARONS ....MAGNA CHARTA....RENEWAL OF THE CIVIL WARS....PRINCE LEWIS CALLED OVER....DEATH AND CHARACTER OF THE KING.

ACCESSION OF THE KING. 1199.

THE noble and free genius of the ancients, which made the government of a ſingle perſon be always regarded as a ſpecies of tyranny and uſurpation, and kept them from forming any conception of a legal and regular monarchy, had rendered them entirely ignorant both of the rights of primogeniture and a repreſentation in ſucceſſion; inventions ſo neceſſary for preſerving order in the lines of princes, for obviating the evils of civil diſcord and of uſurpation, and for begetting moderation in that

ſpecies of government, by giving ſecurity to the ruling ſovereign. Theſe innovations aroſe from the feudal law; which, firſt introducing the right of primogeniture, made ſuch a diſtinction between the families of the elder and younger brothers, that the ſon of the former was thought entitled to ſucceed to his grandfather, preferably to his uncles, though nearer allied to the deceaſed monarch. But, though this progreſs of ideas was natural, it was gradual. In the age of which we treat the practice of repreſentation was indeed introduced, but not thoroughly eſtabliſhed; and the minds of men fluctuated between oppoſite principles. Richard, when he entered on the holy war, declared his nephew Arthur, duke of Brittany, his ſucceſſor; and by a formal deed he ſet aſide, in his favour, the title of his brother John, who was younger than Geoffrey,[r] the father of that prince. But John ſo little acquieſced in that deſtination, that, when he gained the aſcendant in the Engliſh miniſtry by expelling Longchamp, the chancellor and great juſticiary, he engaged all the Engliſh barons to ſwear that they would maintain his right of ſucceſſion; and Richard, on his return, took no ſteps towards reſtoring or ſecuring the order which he had at firſt eſtabliſhed. He was even careful, by his laſt will, to declare his brother John heir to all his dominions;[s] whether that he now thought Arthur, who was only twelve years of age, incapable of aſſerting his claim againſt John's faction, or was influenced by Eleanor, the queen-mother, who hated Conſtantia, mother of the young duke, and who dreaded the credit which that princeſs would naturally acquire if her ſon ſhould mount the throne. The authority of a teſtament was great in that age, even where the ſucceſſion of a kingdom was concerned; and John had reaſon to hope that this title, joined to his plauſible right in other reſpects, would enſure him the ſucceſſion. But the idea of repreſentation ſeems to have made, at this time, greater progreſs in France than in

England. The barons of the tranſmarine provinces, Anjou, Maine, and Touraine, immediately declared in favour of Arthur's title, and applied for aſſiſtance to the French monarch as their ſuperior lord. Philip, who deſired only an occaſion to embarraſs John, and diſmember his dominions, embraced the cauſe of the young duke of Brittany, took him under his protection, and ſent him to Paris to be educated [t] along with his own ſon Lewis. In this emergence John haſtened to eſtabliſh his authority in the chief members of the monarchy; and, after ſending Eleanor into Poictou and Guienne, where her right was inconteſtable, and was readily acknowledged, he hurried to Rouen; and, having ſecured the duchy of Normandy, he paſſed over, without loſs of time, to England. Hubert archbiſhop of Canterbury, William Mareſchal earl of Strigul, who alſo paſſes by the name of earl of Pembroke, and Geoffrey Fitz Peter the juſticiary, the three moſt favoured miniſters of the late king, were already engaged on his ſide;[u] and the ſubmiſſion or acquieſcence of all the other barons put him, without oppoſition, in poſſeſſion of the throne.

The king ſoon returned to France, in order to conduct the war againſt Philip, and to recover the revolted provinces from his nephew Arthur. The alliances which Richard had formed with the earl of Flanders [x] and other potent French princes, though they had not been very effectual, ſtill ſubſiſted, and enabled John to defend himſelf againſt all the efforts of his enemy. In an action between the French and Flemings the elect biſhop of Cambray was taken priſoner by the former; and, when the cardinal of Capua claimed his liberty, Philip, inſtead of complying, reproached him with the weak efforts which he had employed in favour of the biſhop of Beauvais, who was in a like condition. The legate, to ſhew his impartiality, laid at the ſame time the kingdom of France and the duchy of Normandy under

an interdict; and the two kings found themſelves obliged to make an exchange of theſe military prelates.

Nothing enabled the king to bring this war to a happy iſſue ſo much as the ſelfiſh intriguing character of Philip, who acted, in the provinces that had declared for Arthur, without any regard to the intereſts of that prince. Conſtantia, ſeized with a violent jealouſy that he intended to uſurp the entire dominion of them,[y] found means to carry off her ſon ſecretly from Paris: ſhe put him into the hands of his uncle; reſtored the provinces which had adhered to the young prince; and made him do homage for the duchy of Brittany, which was regarded as a rere fief of Normandy. From this incident Philip ſaw that he could not hope to make any progreſs againſt John; and, being threatened with an interdict on account of his irregular divorce from Ingelburga, the Daniſh princeſs whom he had eſpouſed, he became deſirous of concluding a peace with England. After ſome fruitleſs conferences, the terms were at laſt adjuſted; and the two monarchs ſeemed in this treaty to have an intention, beſides ending the preſent quarrel, of preventing all future cauſes of diſcord, and of obviating every controverſy which could hereafter ariſe between them. They adjuſted the limits of all their territories; mutually ſecured the intereſts of their vaſſals; and, to render the union more durable, John gave his niece Blanche of Caſtile in marriage to prince Lewis, Philip's eldeſt ſon, and with her the baronies of Iſſoudun and Graçai, and other fiefs in Berri. Nine barons of the king of England, and as many of the king of France, were guarantees of this treaty; and all of them ſwore that, if their ſovereign violated any article of it, they would declare themſelves againſt him, and embrace the cauſe of the injured monarch.[z]

THE KING'S MARRIAGE. 1200.

JOHN, now ſecure, as he imagined, on the ſide of France, indulged his paſſion for Iſabella, the daughter and heir of Aymar Tailleffer, count of Angouleme, a lady with whom he had become much enamoured. His queen, the heireſs of the family of Gloceſter, was ſtill alive. Iſabella was married to the count de la Marche, and was already conſigned to the care of that nobleman; though, by reaſon of her tender years, the marriage had not been conſummated. The paſſion of John made him overlook all theſe obſtacles. He perſuaded the count of Angouleme to carry off his daughter from her huſband; and, having, on ſome pretence or other, procured a divorce from his own wife, he eſpouſed Iſabella; regardleſs both of the menaces of the pope, who exclaimed againſt theſe irregular proceedings, and of the reſentment of the injured count, who ſoon found means of puniſhing his powerful and inſolent rival.

John had not the art of attaching his barons either by affection or by fear. The count de la Marche, and his brother the count d'Eu, taking advantage of the general diſcontent againſt him, excited commotions in Poictou and Normandy; and obliged the king to have recourſe to arms, in order to ſuppreſs the inſurrection of his vaſſals. He ſummoned together the barons of England, and required them to paſs the ſea under his ſtandard, and to quell the rebels. He found that he poſſeſſed as little authority in that kingdom as in his tranſmarine provinces. The Engliſh barons unanimouſly replied that they would not attend him on this expedition, unleſs he would promiſe to reſtore and preſerve their privileges:[a] the firſt ſymptom of a regular aſſociation and plan of liberty among thoſe noblemen! But affairs were not yet fully ripe for the revolution projected. John, by

menacing the barons, broke the concert; and both engaged many of them to follow him into Normandy, and obliged the reſt, who ſtaid behind, to pay him a ſcutage of two marks on each knight's fee, as the price of their exemption from the ſervice.

The force which John carried abroad with him, and that which joined him in Normandy, rendered him much ſuperior to his malcontent barons; and ſo much the more as Philip did not publicly give them any countenance, and ſeemed as yet determined to perſevere ſteadily in the alliance which he had contracted with England. But the king, elated with his ſuperiority, advanced claims which gave an univerſal alarm to his vaſſals, and diffuſed ſtill wider the general diſcontent. As the juriſprudence of thoſe times required that the cauſes in the lord's court ſhould chiefly be decided by duel, he carried along with him certain bravos, whom he retained as champions, and whom he deſtined to fight with his barons, in order to determine any controverſy which he might raiſe againſt them.[b] The count de la Marche, and other noblemen, regarded this proceeding as an affront, as well as an injury; and declared that they would never draw their ſword againſt men of ſuch inferior quality. The king menaced them with vengeance; but he had not vigour to employ againſt them the force in his hands, or to proſecute the injuſtice by cruſhing entirely the nobles who oppoſed it.

WAR WITH FRANCE. 1201.

THIS government, equally feeble and violent, gave the injured barons courage as well as inclination to carry farther their oppoſition: they appealed to the king of France; complained of the denial of juſtice in John's court; demanded redreſs from him as their ſuperior lord; and entreated him to employ his

authority, and prevent their final ruin and oppreſſion. Philip perceived his advantage, opened his mind to great projects, interpoſed in behalf of the French barons, and began to talk in a high and menacing ſtyle to the king of England. John, who could not diſavow Philip's authority, replied that it belonged to himſelf firſt to grant them a trial by their peers in his own court; it was not till he failed in this duty that he was anſwerable to his peers in the ſupreme court of the French king;[c] and he promiſed, by a fair and equitable judicature, to give ſatisfaction to his barons. When the nobles, in conſequence of this engagement, demanded a ſafe-conduct, that they might attend his court, he at firſt refuſed it; upon the renewal of Philip's menaces he promiſed to grant their demand; he violated this promiſe; freſh menaces extorted from him a promiſe to ſurrender to Philip the fortreſſes of Tillieres and Boutavant, as a ſecurity for performance; he again violated this engagement; his enemies, ſenſible both of his weakneſs and want of faith, combined ſtill cloſer in the reſolution of *puſhing him* to extremities; and a new and powerful ally ſoon appeared to encourage them in their invaſion of this odious and deſpicable government.

The young duke of Brittany, who was now riſing to man's eſtate, ſenſible of the dangerous character of his uncle, determined to ſeek both his ſecurity and elevation by an union with Philip and the malcontent barons. He joined the French army, which had begun hoſtilities againſt the king of England: he was received with great marks of diſtinction by Philip; was knighted by him; eſpouſed his daughter Mary; and was inveſted not only in the duchy of Brittany, but in the counties of Anjou and Maine, which he had formerly reſigned to his uncle.[d] Every attempt ſucceeded with the allies. Tillieres and Boutavant were taken by Philip, after making a feeble defence; Mortimar and Lyons fell into his hands almoſt without reſiſtance. That prince

next inveſted Gournai; and, opening the ſluices of a lake which lay in the neighbourhood, poured ſuch a torrent of water into the place that the garriſon deſerted it, and the French monarch, without ſtriking a blow, made himſelf maſter of that important fortreſs. The progreſs of the French arms was rapid, and promiſed more conſiderable ſucceſs than uſually in that age attended military enterpriſes. In anſwer to every advance which the king made towards peace, Philip ſtill inſiſted that he ſhould reſign all his tranſmarine dominions to his nephew, and reſt contented with the kingdom of England; when an event happened which ſeemed to turn the ſcales in favour of John, and to give him a deciſive ſuperiority over his enemies.

Young Arthur, fond of military renown, had broken into Poictou at the head of a ſmall army; and, paſſing near Mirebeau, he heard that his grandmother queen Eleanor, who had always oppoſed his intereſts, was lodged in that place, and was protected by a weak garriſon and ruinous fortifications.[e] He immediately determined to lay ſiege to the fortreſs, and make himſelf maſter of her perſon. But John, rouſed from his indolence by ſo preſſing an occaſion, collected an army of Engliſh and Brabançons, and advanced from Normandy with haſty marches to the relief of the queen-mother. He fell on Arthur's camp before that prince was aware of the danger; diſperſed his army; took him priſoner, together with the count de la Marche, Geoffrey de Luſignan, and the moſt conſiderable of the revolted barons; and returned in triumph to Normandy.[f] Philip, who was lying before Arques in that duchy, raiſed the ſiege and retired upon his approach.[g] The greater part of the priſoners were ſent over to England; but Arthur was ſhut up in the caſtle of Falaiſe.

MURDER OF ARTHUR.

THE king had here a conference with his nephew; repreſented to him the folly of his pretenſions; and required him to renounce the French alliance, which had encouraged him to live in a ſtate of enmity with all his family: but the brave, though imprudent, youth, rendered more haughty from misfortunes, maintained the juſtice of his cauſe; aſſerted his claim, not only to the French provinces, but to the crown of England; and, in his turn, required the king to reſtore the ſon of his elder brother to the poſſeſſion of his inheritance.[h] John, ſenſible, from theſe ſymptoms of ſpirit, that the young prince, though now a priſoner, might hereafter prove a dangerous enemy, determined to prevent all future peril by diſpatching his nephew; and Arthur was never more heard of. The circumſtances which attended this deed of darkneſs were, no doubt, carefully concealed by the actors, and are variouſly related by hiſtorians: but the moſt probable account is as follows. The king, it is ſaid, firſt propoſed to William de la Bray, one of his ſervants, to diſpatch Arthur; but William replied that he was a gentleman, not a hangman; and he poſitively refuſed compliance. Another inſtrument of murder was found, and was diſpatched with proper orders to Falaiſe: but Hubert de Bourg, chamberlain to the king, and conſtable of the caſtle, feigning that he himſelf would execute the king's mandate, ſent back the aſſaſſin, ſpread the report that the young prince was dead, and publicly performed all the ceremonies of his interment; but, finding that the Bretons vowed revenge for the murder, and that all the revolted barons perſevered more obſtinately in their rebellion, he thought it prudent to reveal the ſecret, and to inform the world that the duke of Brittany was ſtill alive, and in his cuſtody. This

diſcovery proved fatal to the young prince: John firſt removed him to the caſtle of Rouen; and, coming in a boat during the night time to that place, commanded Arthur to be brought forth to him. The young prince, aware of his danger, and now more ſubdued by the continuance of his misfortunes, and by the approach of death, threw himſelf on his knees before his uncle, and begged for mercy: but the barbarous tyrant, making no reply, ſtabbed him with his own hands; and, faſtening a ſtone to the dead body, threw it into the Seine.

All men were ſtruck with horror at this inhuman deed; and from that moment the king, deteſted by his ſubjects, retained a very precarious authority over both the people and the barons in his dominions. The Bretons, enraged at this diſappointment in their fond hopes, waged implacable war againſt him; and, fixing the ſucceſſion of their government, put themſelves in a poſture to revenge the murder of their ſovereign. John had got into his power his niece Eleanor, ſiſter to Arthur, commonly called 'the Damſel of Brittany;' and, carrying her over to England, detained her ever after in captivity.[1] But the Bretons, in deſpair of recovering this princeſs, choſe Alice for their ſovereign, a younger daughter of Conſtantia by her ſecond marriage with Guy de Thouars; and they intruſted the government of the duchy to that nobleman. The ſtates of Brittany meanwhile carried their complaints before Philip as their liege lord, and demanded juſtice for the violence committed by John on the perſon of Arthur, ſo near a relation; who, notwithſtanding the homage which he did to Normandy, was always regarded as one of the chief vaſſals of the crown. Philip received their application with pleaſure; ſummoned John to ſtand a trial before him; and on his non-appearance paſſed ſentence, with the concurrence of the peers, upon that prince; declared him guilty of felony and parricide; and adjudged him

Painted by W. Hamilton R.A.

Engraved by J. Fittler

DEATH OF ARTHUR

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to forfeit to his ſuperior lord all his ſeignories and fiefs in France.[k]

THE KING EXPELLED THE FRENCH PROVINCES.

THE king of France, whoſe ambitious and active ſpirit had been hitherto confined, either by the ſound policy of Henry or the martial genius of Richard, ſeeing now the opportunity favourable againſt this baſe and odious prince, embraced the project of expelling the Engliſh, or rather the Engliſh king, from France, and of annexing to the crown ſo many conſiderable fiefs, which during ſeveral ages had been diſmembered from it. Many of the other great vaſſals, whoſe jealouſy might have interpoſed, and have obſtructed the execution of this project, were not at preſent in a ſituation to oppoſe it; and the reſt either looked on with indifference, or gave their aſſiſtance to this dangerous aggrandizement of their ſuperior lord. The earls of Flanders and Blois were engaged in the holy war; the count of Champagne was an infant, and under the guardianſhip of Philip; the duchy of Brittany, enraged at the murder of their prince, vigorouſly promoted all his meaſures; and the general defection of John's vaſſals made every enterpriſe eaſy and ſucceſsful againſt him. Philip, after taking ſeveral caſtles and fortreſſes beyond the Loire, which he either garriſoned or diſmantled, received the ſubmiſſions of the count of Alençon, who deſerted John, and delivered up all the places under his command to the French: upon which Philip broke up his camp, in order to give the troops ſome repoſe after the fatigues of the campaign. John, ſuddenly collecting ſome forces, laid ſiege to Alençon; and Philip, whoſe diſperſed army could not be brought together in time to ſuccour it, ſaw himſelf expoſed to the diſgrace of ſuffering the oppreſſion of his friend and confederate. But his active and fertile

genius found an expedient againſt this evil. There was held at that very time a tournament at Moret in the Gatinois; whither all the chief nobility of France and the neighbouring countries had reſorted, in order to ſignalize their proweſs and addreſs. Philip preſented himſelf before them; craved their aſſiſtance in his diſtreſs; and pointed out the plains of Alençon as the moſt honourable field in which they could diſplay their generoſity and martial ſpirit. Thoſe valorous knights vowed that they would take vengeance on the baſe parricide, the ſtain of arms and of chivalry; and, putting themſelves, with all their retinue, under the command of Philip, inſtantly marched to raiſe the ſiege of Alençon. John, hearing of their approach, fled from before the place; and in the hurry abandoned all his tents, machines, and baggage, to the enemy.

This feeble effort was the laſt exploit of that ſlothful and cowardly prince for the defence of his dominions. He thenceforth remained in total inactivity at Rouen; paſſing all his time with his young wife in paſtimes and amuſements, as if his ſtate had been in the moſt profound tranquillity, or his affairs in the moſt proſperous condition. If he ever mentioned war, it was only to give himſelf vaunting airs, which, in the eyes of all men, rendered him ſtill more deſpicable and ridiculous. 'Let the French go on,' ſaid he, 'I will retake in a day what it has coſt them years [1] to acquire.' His ſtupidity and indolence appeared ſo extraordinary, that the people endeavoured to account for the infatuation by ſorcery, and believed that he was thrown into this lethargy by ſome magic or witchcraft. The Engliſh barons, finding that their time was waſted to no purpoſe, and that they muſt ſuffer the diſgrace of ſeeing, without reſiſtance, the progreſs of the French arms, withdrew from their colours, and ſecretly returned to their own country.[m] No one thought of defending a man, who ſeemed to have deſerted himſelf; and

his ſubjects regarded his fate with the ſame indifference to which, in this preſſing exigency, they ſaw him totally abandoned.

John, while he neglected all domeſtic reſources, had the meanneſs to betake himſelf to a foreign power, whoſe protection he claimed. He applied to the pope, Innocent III. and entreated him to interpoſe his authority between him and the French monarch. Innocent, pleaſed with any occaſion of exerting his ſuperiority, ſent Philip orders to ſtop the progreſs of his arms, and to make peace with the king of England. But the French barons received the meſſage with indignation; diſclaimed the temporal authority aſſumed by the pontiff; and vowed that they would, to the uttermoſt, aſſiſt their prince againſt all his enemies. Philip, ſeconding their ardour, proceeded, inſtead of obeying the pope's envoys, to lay ſiege to Chateau Gaillard, the moſt conſiderable fortreſs which remained to guard the frontiers of Normandy.

Chateau Gaillard was ſituated partly on an iſland in the river Seine, partly on a rock oppoſite to it; and was ſecured by every advantage which either art or nature could beſtow upon it. The late king, having caſt his eye on this favourable ſituation, had ſpared no labour or expenſe in fortifying it; and it was defended by Roger de Laci, conſtable of Cheſter, a determined officer, at the head of a numerous garriſon. Philip, who deſpaired of taking the place by force, purpoſed to reduce it by famine; and, that he might cut off its communication with the neighbouring country, he threw a bridge acroſs the Seine, while he himſelf with his army blockaded it by land. The earl of Pembroke, the man of greateſt vigour and capacity in the Engliſh court, formed a plan for breaking through the French intrenchments, and throwing relief into the place. He carried with him an army of four thouſand infantry and three thouſand cavalry, and ſuddenly attacked, with great ſucceſs, Philip's camp

in the night time; having left orders that a fleet of ſeventy flat-bottomed veſſels ſhould ſail up the Seine, and fall at the ſame inſtant on the bridge. But the wind and the current of the river, by retarding the veſſels, diſconcerted this plan of operations, and it was morning before the fleet appeared; when Pembroke, though ſucceſsful in the beginning of the action, was already repulſed with conſiderable loſs; and the king of France had leiſure to defend himſelf againſt theſe new aſſailants, who alſo met with a repulſe. After this misfortune John made no farther efforts for the relief of Chateau Gaillard; and Philip had all the leiſure requiſite for conducting and finiſhing the ſiege. Roger de Laci defended himſelf for a twelvemonth with great obſtinacy; and, having bravely repelled every attack, and patiently born all the hardſhips of famine, he was at laſt overpowered by a ſudden aſſault in the night time, and made priſoner of war, with his garriſon.[n] Philip, who knew how to reſpect valour even in an enemy, treated him with civility, and gave him the whole city of Paris for the place of his confinement.

When this bulwark of Normandy was once ſubdued, all the province lay open to the inroads of Philip; and the king of England deſpaired of being any longer able to defend it. He ſecretly prepared veſſels for a ſcandalous flight; and, that the Normans might no longer doubt of his reſolution to abandon them, he ordered the fortifications of Pont de l'Arche, Moulineaux, and Montfort l'Amauri, to be demoliſhed. Not daring to repoſe confidence in any of his barons, whom he believed to be univerſally engaged in a conſpiracy againſt him, he intruſted the government of the province to Archas Martin and Lupicaire, two mercenary Brabançons, whom he had retained in his ſervice. Philip, now ſecure of his prey, puſhed his conqueſts with vigour and ſucceſs againſt the diſmayed Normans. Falaiſe was firſt beſieged; and Lupicaire, who commanded in this impreg-

nable fortreſs, after ſurrendering the place, inliſted himſelf with his troops in the ſervice of Philip, and carried on hoſtilities againſt his ancient maſter. Caen, Coutance, Seez, Evreux, Baïeux, ſoon fell into the hands of the French monarch; and all the lower Normandy was reduced under his dominion. To forward his enterpriſes on the other diviſion of the province, Gui de Thouars, at the head of the Bretons, broke into the territory, and took Mount St. Michael, Avranches, and all the other fortreſſes in that neighbourhood. The Normans, who abhorred the French yoke, and who would have defended themſelves to the laſt extremity if their prince had appeared to conduct them, found no reſource but in ſubmiſſion; and every city opened its gates as ſoon as Philip appeared before it. Rouen alone, Arques, and Verneuil, determined to maintain their liberties, and formed a confederacy for mutual defence. Philip began with the ſiege of Rouen. The inhabitants were ſo inflamed with hatred to France that, on the appearance of his army, they fell on all the natives of that country, whom they found within their walls, and put them to death. But, after the French king had begun his operations with ſucceſs, and had taken ſome of their outworks, the citizens, ſeeing no reſource, offered to capitulate; and demanded only thirty days to advertiſe their prince of their danger, and to require ſuccours againſt the enemy. Upon the expiration of the term, as no ſupply had arrived, they opened their gates to Philip;° and the whole province ſoon after imitated the example, and ſubmitted to the victor. Thus was this important territory reunited to the crown of France about three centuries after the ceſſion of it by Charles the Simple to Rollo, the firſt duke: and the Normans, ſenſible that this conqueſt was probably final, demanded the privilege of being governed by French laws; which Philip, making a few alterations on the ancient Norman cuſtoms, readily granted them. But the French

monarch had too much ambition and genius to ſtop in his preſent career of ſucceſs. He carried his victorious army into the weſtern provinces; ſoon reduced Anjou, Maine, Touraine, and part of Poictou;[p] and in this manner the French crown, during the reign of one able and active prince, received ſuch an acceſſion of power and grandeur as, in the ordinary courſe of things, it would have required ſeveral ages to attain.

John, on his arrival in England, that he might cover the diſgrace of his own conduct, exclaimed loudly againſt his barons, who he pretended had deſerted his ſtandard in Normandy; and he arbitrarily extorted from them a ſeventh of all their moveables, as a puniſhment for the offence.[q] Soon after he forced them to grant him a ſcutage of two marks and a half on each knight's fee for an expedition into Normandy; but he did not attempt to execute the ſervice for which he pretended to exact it. Next year he ſummoned all the barons of his realm to attend him on this foreign expedition, and collected ſhips from all the ſeaports; but, meeting with oppoſition from ſome of his miniſters, and abandoning his deſign, he diſmiſſed both fleet and army, and then renewed his exclamations againſt the barons for deſerting him. He next put to ſea with a ſmall army, and his ſubjects believed that he was reſolved to expoſe himſelf to the utmoſt hazard for the defence and recovery of his dominions: but they were ſurpriſed, after a few days, to ſee him return again into harbour without attempting any thing. In the ſubſequent ſeaſon he had the courage to carry his hoſtile meaſures a ſtep farther. Gui de Thouars, who governed Brittany, jealous of the rapid progreſs made by his ally the French king, promiſed to join the king of England with all his forces; and John ventured abroad with a conſiderable army, and landed at Rochelle. He marched to Angers; which he took, and reduced to aſhes. But the approach of Philip with an army threw him

into a panic; and he immediately made propoſals for peace, and fixed a place of interview with his enemy. But, inſtead of keeping this engagement, he ſtole off with his army, embarked at Rochelle, and returned, loaded with new ſhame and diſgrace, into England. The mediation of the pope procured him at laſt a truce for two years with the French monarch;[r] almoſt all the tranſmarine provinces were raviſhed from him; and his Engliſh barons, though haraſſed with arbitrary taxes and fruitleſs expeditions, ſaw themſelves and their country baffled and affronted in every enterpriſe.

In an age when perſonal valour was regarded as the chief accompliſhment, ſuch conduct as that of John, always diſgraceful, muſt be expoſed to peculiar contempt; and he muſt thenceforth have expected to rule his turbulent vaſſals with a very doubtful authority. But the government exerciſed by the Norman princes had wound up the royal power to ſo high a pitch, and ſo much beyond the uſual tenor of the feudal conſtitutions, that it ſtill behoved him to be debaſed by new affronts and diſgraces, ere his barons could entertain the view of conſpiring againſt him in order to retrench his prerogatives. The church, which at that time declined not a conteſt with the moſt powerful and moſt vigorous monarchs, took firſt advantage of John's imbecility; and, with the moſt aggravating circumſtances of inſolence and ſcorn, fixed her yoke upon him.

THE KING'S QUARREL WITH ROME. 1207.

THE papal chair was then filled by Innocent III, who, having attained that dignity at the age of thirty-ſeven years, and being endowed with a lofty and enterpriſing genius, gave full ſcope to his ambition; and attempted, perhaps more openly than any of his predeceſſors, to convert that ſuperiority, which was yielded

him by all the European princes, into a real dominion over them. The hierarchy, protected by the Roman pontiff, had already carried to an enormous height its uſurpations upon the civil power; but, in order to extend them farther, and render them uſeful to the court of Rome, it was neceſſary to reduce the eccleſiaſtics themſelves under an abſolute monarchy, and to make them entirely dependent on their ſpiritual leader. For this purpoſe Innocent firſt attempted to impoſe taxes at pleaſure upon the clergy: and in the firſt year of this century, taking advantage of the popular frenzy for cruſades, he ſent collectors over all Europe; who levied, by his authority, the fortieth of all eccleſiaſtical revenues for the relief of the holy land, and received the voluntary contributions of the laity [s] to a like amount. The ſame year Hubert, archbiſhop of Canterbury, attempted another innovation favourable to eccleſiaſtical and papal power. In the king's abſence he ſummoned, by his legantine authority, a ſynod of all the Engliſh clergy, contrary to the inhibition of Geoffrey Fitz Peter, the chief juſticiary; and no proper cenſure was ever paſſed on this encroachment, the firſt of the kind, upon the royal power. But a favourable incident ſoon after happened, which enabled ſo aſpiring a pontiff as Innocent to extend ſtill farther his uſurpations on ſo contemptible a prince as John.

Hubert the primate died in 1205; and, as the monks or canons of Chriſt church, Canterbury, poſſeſſed a right of voting in the election of their archbiſhop, ſome of the juniors of the order, who lay in wait for that event, met clandeſtinely the very night of Hubert's death; and, without any conge d'elire from the king, choſe Reginald, their ſub-prior, for the ſucceſſor; inſtalled him in the archiepiſcopal throne before midnight; and, having enjoined him the ſtricteſt ſecreſy, ſent him immediately to Rome, in order to ſolicit the confirmation [t] of his election.

The vanity of Reginald prevailed over his prudence; and he no ſooner arrived in Flanders than he revealed to every one the purpoſe of his journey, which was immediately known in England.[a] The king was enraged at the novelty and temerity of the attempt, in filling ſo important an office without his knowledge or conſent; the ſuffragan biſhops of Canterbury, who were accuſtomed to concur in the choice of their primate, were no leſs diſpleaſed at the excluſion given them in this election; the ſenior monks of Chriſt church were injured by the irregular proceedings of their juniors; the juniors themſelves, aſhamed of their conduct, and diſguſted with the levity of Reginald, who had broken his engagements with them, were willing to ſet aſide his election;[x] and all men concurred in the deſign of remedying the falſe meaſures which had been taken. But, as John knew that this affair would be canvaſſed before a ſuperior tribunal; where the interpoſition of royal authority in beſtowing eccleſiaſtical benefices was very invidious; where even the cauſe of ſuffragan biſhops was not ſo favourable as that of monks; he determined to make the new election entirely unexceptionable. He ſubmitted the affair wholly to the canons of Chriſt church; and, departing from the right claimed by his predeceſſors, ventured no farther than to inform them privately that they would do him an acceptable ſervice if they choſe John de Gray, biſhop of Norwich, for their primate.[y] The election of that prelate was accordingly made without a contradictory vote; and the king, to obviate all conteſts, endeavoured to perſuade the ſuffragan biſhops not to inſiſt on their claim of concurring in the election. But thoſe prelates, perſevering in their pretenſions, ſent an agent to maintain their cauſe before Innocent; while the king and the convent of Chriſt church diſpatched twelve monks of that order to ſupport, before the ſame tribunal, the election of the biſhop of Norwich.

Thus there lay three different claims before the pope, whom all parties allowed to be the ſupreme arbiter in the conteſt. The claim of the ſuffragans, being ſo oppoſite to the uſual maxims of the papal court, was ſoon ſet aſide; the election of Reginald was ſo obviouſly fraudulent and irregular that there was no poſſibility of defending it; but Innocent maintained that, though this election was null and invalid, it ought previouſly to have been declared ſuch by the ſovereign pontiff, before the monks could proceed to a new election, and that the choice of the biſhop of Norwich was of courſe as uncanonical as that of his competitor.[z] Advantage was therefore taken of this ſubtilty for introducing a precedent, by which the ſee of Canterbury, the moſt important dignity in the church after the papal throne, ſhould ever after be at the diſpoſal of the court of Rome.

While the pope maintained ſo many fierce conteſts, in order to wreſt from princes the right of granting inveſtitures, and to exclude laymen from all authority in conferring eccleſiaſtical benefices, he was ſupported by the united influence of the clergy; who, aſpiring to independence, fought, with all the ardour of ambition and all the zeal of ſuperſtition, under his ſacred banners. But no ſooner was this point, after a great effuſion of blood and the convulſions of many ſtates, eſtabliſhed in ſome tolerable degree, than the victorious leader, as is uſual, turned his arms againſt his own community, and aſpired to centre all power in his perſon. By the invention of reſerves, proviſions, commendams, and other devices, the pope gradually aſſumed the right of filling vacant benefices; and the plenitude of his apoſtolic power, which was not ſubject to any limitations, ſupplied all defects of title in the perſon on whom he beſtowed preferment. The canons which regulated elections were purpoſely rendered intricate and involved; frequent diſputes aroſe among candidates; appeals were every day carried to Rome;

the apoſtolic ſee, beſides reaping pecuniary advantages from theſe conteſts, often exerciſed the power of ſetting aſide both the litigants, and, on pretence of appeaſing faction, nominated a third perſon, who might be more acceptable to the contending parties.

LANGTON MADE ARCHBISHOP OF CANTERBURY.

THE preſent controverſy about the election to the ſee of Canterbury afforded Innocent an opportunity of claiming this right; and he failed not to perceive and avail himſelf of the advantage. He ſent for the twelve monks deputed by the convent to maintain the cauſe of the biſhop of Norwich; and commanded them, under the penalty of excommunication, to chooſe for their primate cardinal Langton, an Engliſhman by birth, but educated in France, and connected, by his intereſt and attachments, with the ſee of Rome.[a] In vain did the monks repreſent that they had received from their convent no authority for this purpoſe; that an election, without a previous writ from the king, would be deemed highly irregular; and that they were merely agents for another perſon, whoſe right they had no power or pretence to abandon. None of them had the courage to perſevere in this oppoſition, except one, Elias de Brantefield; all the reſt, overcome by the menaces and authority of the pope, complied with his orders, and made the election required of them.

Innocent, ſenſible that this flagrant uſurpation would be highly reſented by the court of England, wrote John a mollifying letter; ſent him four golden rings ſet with precious ſtones; and endeavoured to enhance the value of the preſent by informing him of the many myſteries implied in it. He begged him to conſider ſeriouſly the form of the rings, their number, their matter, and their colour. Their form, he ſaid, being round,

ſhadowed out Eternity, which had neither beginning nor end; and he ought thence to learn his duty of aſpiring from earthly objects to heavenly, from things temporal to things eternal. The number four, being a ſquare, denoted ſteadineſs of mind, not to be ſubverted either by adverſity or proſperity, fixed for ever on the firm baſis of the four cardinal virtues. Gold, which is the matter, being the moſt precious of metals, ſignified Wiſdom, which is the moſt valuable of all accompliſhments, and juſtly preferred by Solomon to riches, power, and all exterior attainments. The blue colour of the ſapphire repreſented Faith; the verdure of the emerald, Hope; the redneſs of the ruby, Charity; and the ſplendour of the topaz, Good Works.[b] By theſe conceits Innocent endeavoured to repay John for one of the moſt important prerogatives of his crown, which he had raviſhed from him; conceits probably admired by Innocent himſelf: for it is eaſily poſſible for a man, eſpecially in a barbarous age, to unite ſtrong talents for buſineſs with an abſurd taſte for literature and the arts.

John was inflamed with the utmoſt rage when he heard of this attempt of the court of Rome;[c] and he immediately vented his paſſion on the monks of Chriſt church, whom he found inclined to ſupport the election made by their fellows at Rome. He ſent Fulke de Cantelupe and Henry de Cornhulle, two knights of his retinue, men of violent tempers and rude manners, to expel them the convent, and take poſſeſſion of their revenues. Theſe knights entered the monaſtery with drawn ſwords; commanded the prior and the monks to depart the kingdom; and menaced them that, in caſe of diſobedience, they would inſtantly burn them with the convent.[d] Innocent prognoſticating, from the violence and imprudence of theſe meaſures, that John would finally ſink in the conteſt, perſevered the more vigorouſly in his pretenſions, and exhorted the king not to oppoſe God and the

church any longer, nor to proſecute that cauſe for which the holy martyr St. Thomas had ſacrificed his life, and which had exalted him equal to the higheſt ſaints in heaven.[e] A clear hint to John to profit by the example of his father, and to remember the prejudices and eſtabliſhed principles of his ſubjects, who bore a profound veneration to that martyr, and regarded his merits as the ſubject of their chief glory and exultation.

INTERDICT OF THE KINGDOM.

INNOCENT, finding that John was not ſufficiently tamed to ſubmiſſion, ſent three prelates, the biſhops of London, Ely, and Worceſter, to intimate that, if he perſevered in his diſobedience, the ſovereign pontiff would be obliged to lay the kingdom under an interdict.[f] All the other prelates threw themſelves on their knees before him, and entreated him, with tears in their eyes, to prevent the ſcandal of this ſentence, by making a ſpeedy ſubmiſſion to his ſpiritual father; by receiving from his hands the new elected primate; and by reſtoring the monks of Chriſt church to all their rights and poſſeſſions. He burſt out into the moſt indecent invectives againſt the prelates; ſwore by God's teeth (his uſual oath) that, if the pope preſumed to lay his kingdom under an interdict, he would ſend to him all the biſhops and clergy in England, and would confiſcate all their eſtates; and threatened that, if thenceforth he caught any Romans in his dominions, he would put out their eyes and cut off their noſes, in order to ſet a mark upon them which might diſtinguiſh them from all other nations.[g] Amidſt all this idle violence John ſtood on ſuch bad terms with his nobility that he never dared to aſſemble the ſtates of the kingdom; who, in ſo juſt a cauſe, would probably have adhered to any other monarch, and have defended with vigour the liberties of the nation againſt theſe

palpable uſurpations of the court of Rome. Innocent, therefore, perceiving the king's weakneſs, fulminated at laſt the ſentence of interdict, which he had for ſome time held ſuſpended over him.[h]

The ſentence of interdict was at that time the great inſtrument of vengeance and policy employed by the court of Rome; was denounced againſt ſovereigns for the lighteſt offences; and made the guilt of one perſon involve the ruin of millions, even in their ſpiritual and eternal welfare. The execution of it was calculated to ſtrike the ſenſes in the higheſt degree, and to operate with irreſiſtible force on the ſuperſtitious minds of the people. The nation was of a ſudden deprived of all exterior exerciſe of its religion; the altars were deſpoiled of their ornaments; the croſſes, the reliques, the images, the ſtatues, of the ſaints were laid on the ground; and, as if the air itſelf were profaned, and might pollute them by its contact, the prieſts carefully covered them up, even from their own approach and veneration. The uſe of bells entirely ceaſed in all the churches; the bells themſelves were removed from the ſteeples, and laid on the ground with the other ſacred utenſils. Maſs was celebrated with ſhut doors, and none but the prieſts were admitted to that holy inſtitution. The laity partook of no religious rite, except baptiſm to new born infants, and the communion to the dying. The dead were not interred in conſecrated ground; they were thrown into ditches, or buried in common fields; and their obſequies were not attended with prayers, or any hallowed ceremony. Marriage was celebrated in the church-yards;[i] and, that every action in life might bear the marks of this dreadful ſituation, the people were prohibited the uſe of meat, as in Lent or times of the higheſt penance; were debarred from all pleaſures and entertainments; and were forbidden even to ſalute each other, or ſo much as to ſhave their beards, and give any

decent attention to their perſon and apparel. Every circumſtance carried ſymptoms of the deepeſt diſtreſs, and of the moſt immediate apprehenſion of divine vengeance and indignation.

The king, that he might oppoſe his temporal to their ſpiritual terrors, immediately, from his own authority, confiſcated the eſtates of all the clergy who obeyed the interdict;[k] baniſhed the prelates; confined the monks in their convent, and gave them only ſuch a ſmall allowance from their own eſtates as would ſuffice to provide them with food and raiment. He treated with the utmoſt rigour all Langton's adherents, and every one that ſhewed any diſpoſition to obey the commands of Rome. And, in order to diſtreſs the clergy in the tendereſt point, and at the ſame time expoſe them to reproach and ridicule, he threw into priſon all their concubines, and required high fines as the price of their liberty.[l]

After the canons which eſtabliſhed the celibacy of the clergy were, by the zealous endeavours of archbiſhop Anſelm, more rigorouſly executed in England, the eccleſiaſtics gave, almoſt univerſally and avowedly, into the uſe of concubinage; and the court of Rome, which had no intereſt in prohibiting this practice, made very ſlight oppoſition to it. The cuſtom was become ſo prevalent that, in ſome cantons of Switzerland, before the reformation, the laws not only permitted, but, to avoid ſcandal, enjoined, the uſe of concubines to the younger clergy; and it was uſual every where for prieſts to apply to the ordinary, and obtain from him a formal liberty for this indulgence.[m] The biſhop commonly took care to prevent the practice from degenerating into licentiouſneſs. He confined the prieſt to the uſe of one woman, required him to be conſtant to her bed, obliged him to provide for her ſubſiſtence and that of her children: and, though the offspring was, in the eye of the law, deemed illegitimate, this commerce was really a kind of inferior marriage,

ſuch as is ſtill practiſed in Germany among the nobles; and may be regarded by the candid as an appeal from the tyranny of civil and eccleſiaſtical inſtitutions to the more virtuous and more unerring laws of nature.

The quarrel between the king and the ſee of Rome continued for ſome years; and, though many of the clergy, from the fear of puniſhment, obeyed the orders of John, and celebrated divine ſervice, they complied with the utmoſt reluctance, and were regarded, both by themſelves and the people, as men who betrayed their principles and ſacrificed their conſcience to temporal regards and intereſts. During this violent ſituation the king, in order to give a luſtre to his government, attempted military expeditions againſt Scotland, againſt Ireland, againſt the [n] Welſh; and he commonly prevailed, more from the weakneſs of his enemies than from his own vigour or abilities. Meanwhile the danger to which his government ſtood continually expoſed, from the diſcontents of the eccleſiaſtics, increaſed his natural propenſion to tyranny; and he ſeems to have even wantonly diſguſted all orders of men, eſpecially his nobles, from whom alone he could reaſonably expect ſupport and aſſiſtance. He diſhonoured their families by his licentious amours; he publiſhed edicts, prohibiting them from hunting feathered game, and thereby reſtrained them from their favourite occupation [o] and amuſement; he ordered all the hedges and fences near his foreſts to be levelled, that his deer might have more ready acceſs into the fields for paſture; and he continually loaded the nation with arbitrary impoſitions. Conſcious of the general hatred which he had incurred, he required his nobility to give him hoſtages for ſecurity of their allegiance; and they were obliged to put into his hands their ſons, nephews, or near relations. When his meſſengers came with like orders to the caſtle of William de Braouſe, a baron of great note, the lady of that nobleman replied that ſhe

would never intruſt her ſon into the hands of one who had murdered his own nephew while in his cuſtody. Her huſband reproved her for the ſeverity of this ſpeech; but, ſenſible of his danger, he immediately fled with his wife and ſon into Ireland, where he endeavoured to conceal himſelf. The king diſcovered the unhappy family in their retreat; ſeized the wife and ſon, whom he ſtarved to death in priſon; and the baron himſelf narrowly eſcaped by flying into France.

EXCOMMUNICATION OF THE KING. 1209.

THE court of Rome had artfully contrived a gradation of ſentences; by which ſhe kept offenders in awe; ſtill afforded them an opportunity of preventing the next anathema by ſubmiſſion; and, in caſe of their obſtinacy, was able to refreſh the horror of the people againſt them by new denunciations of the wrath and vengeance of Heaven. As the ſentence of interdict had not produced the deſired effect on John; and as his people, though extremely diſcontented, had hitherto been reſtrained from riſing in open rebellion againſt him; he was ſoon to look for the ſentence of excommunication: and he had reaſon to apprehend that, notwithſtanding all his precautions, the moſt dangerous conſequences might enſue from it. He was witneſs of the other ſcenes which at that very time were acting in Europe, and which diſplayed the unbounded and uncontrolled power of the papacy. Innocent, far from being diſmayed at his conteſts with the king of England, had excommunicated the emperor Otho, John's nephew;[P] and ſoon brought that powerful and haughty prince to ſubmit to his authority. He publiſhed a cruſade againſt the Albigenſes, a ſpecies of enthuſiaſts in the ſouth of France, whom he denominated heretics; becauſe, like other enthuſiaſts, they neglected the rites of the church, and oppoſed the power and

influence of the clergy. The people from all parts of Europe, moved by their ſuperſtition and their paſſion for wars and adventures, flocked to his ſtandard. Simon de Montfort, the general of the cruſade, acquired to himſelf a ſovereignty in theſe provinces. The count of Toulouſe, who protected, or perhaps only tolerated, the Albigenſes, was ſtripped of his dominions; and theſe ſectaries themſelves, though the moſt innocent and inoffenſive of mankind, were exterminated with all the circumſtances of extreme violence and barbarity. Here were, therefore, both an army and a general, dangerous from their zeal and valour, who might be directed to act againſt John; and Innocent, after keeping the thunder long ſuſpended, gave at laſt authority to the biſhops of London, Ely, and Worceſter, to fulminate the ſentence of excommunication againſt him.[q] Theſe prelates obeyed; though their brethren were deterred from publiſhing, as the pope required of them, the ſentence in the ſeveral churches of their dioceſes.

No ſooner was the excommunication known than the effects of it appeared. Geoffrey, archdeacon of Norwich, who was intruſted with a conſiderable office in the court of exchequer, being informed of it while ſitting on the bench, obſerved to his colleagues the danger of ſerving under an excommunicated king; and he immediately left his chair, and departed the court. John gave orders to ſeize him, to throw him into priſon, to cover his head with a great leaden cope; and by this and other ſevere uſage he put an end to his life:[r] nor was there any thing wanting to Geoffrey, except the dignity and rank of Becket, to exalt him to an equal ſtation in heaven with that great and celebrated martyr. Hugh de Wells the chancellor, being elected, by the king's appointment, biſhop of Lincoln, upon a vacancy in that ſee, deſired leave to go abroad, in order to receive conſecration from the archbiſhop of Rouen; but he no ſooner reached France

than he haſtened to Pontigny, where Langton then reſided, and paid ſubmiſſions to him as his primate. The biſhops, finding themſelves expoſed either to the jealouſy of the king or hatred of the people, gradually ſtole out of the kingdom; and at laſt there remained only three prelates to perform the functions of the epiſcopal office.[s] Many of the nobility, terrified by John's tyranny, and obnoxious to him on different accounts, imitated the example of the biſhops; and moſt of the others who remained were, with reaſon, ſuſpected of having ſecretly entered into a confederacy againſt him.[t] John was alarmed at his dangerous ſituation; a ſituation which prudence, vigour, and popularity, might formerly have prevented, but which no virtues or abilities were now ſufficient to retrieve. He deſired a conference with Langton at Dover; offered to acknowledge him as primate, to ſubmit to the pope, to reſtore the exiled clergy, even to pay them a limited ſum as a compenſation for the rents of their confiſcated eſtates. But Langton, perceiving his advantage, was not ſatisfied with theſe conceſſions: he demanded that full reſtitution and reparation ſhould be made to all the clergy; a condition ſo exorbitant that the king, who probably had not the power of fulfilling it, and who foreſaw that this eſtimation of damages might amount to an immenſe ſum, finally broke off the conference.[u]

The next gradation of papal ſentences was to abſolve John's ſubjects from their oaths of fidelity and allegiance, and to declare every one excommunicated who had any commerce with him in public or in private; at his table, in his council, or even in private converſation.[x] And this ſentence was accordingly, with all imaginable ſolemnity, pronounced againſt him. But, as John ſtill perſevered in his contumacy, there remained nothing but the ſentence of depoſition; which, though intimately connected with the former, had been diſtinguiſhed from it by the artifice

of the court of Rome: and Innocent determined to dart this laſt thunderbolt againſt the refractory monarch. But, as a ſentence of this kind required an armed force to execute it, the pontiff, caſting his eyes around, fixed at laſt on Philip king of France, as the perſon into whoſe powerful hand he could moſt properly intruſt that weapon, the ultimate reſource of his ghoſtly authority. And he offered the monarch, beſides the remiſſion of all his ſins and endleſs ſpiritual benefits, the property and poſſeſſion of the kingdom of England, as the reward of his labour.[y]

It was the common concern of all princes to oppoſe theſe exorbitant pretenſions of the Roman pontiff, by which they themſelves were rendered vaſſals, and vaſſals totally dependent, of the papal crown: yet even Philip, the moſt able monarch of the age, was ſeduced by preſent intereſt, and by the proſpect of ſo tempting a prize, to accept this liberal offer of the pontiff; and thereby to ratify that authority which, if he ever oppoſed its boundleſs uſurpations, might next day tumble him from the throne. He levied a great army; ſummoned all the vaſſals of the crown to attend him at Rouen; collected a fleet of ſeventeen hundred veſſels, great and ſmall, in the ſeaports of Normandy and Picardy; and, partly from the zealous ſpirit of the age, partly from the perſonal regard univerſally paid him, prepared a force which ſeemed equal to the greatneſs of his enterpriſe. The king, on the other hand, iſſued out writs, requiring the attendance of all his military tenants at Dover, and even of all able-bodied men, to defend the kingdom in this dangerous extremity. A great number appeared; and he ſelected an army of ſixty thouſand men; a power invincible, had they been united in affection to their prince, and animated with a becoming zeal for the defence of their native country.[z] But the people were ſwayed by ſuperſtition, and regarded their king with horror, as

anathematized by papal cenſures; the barons, beſides lying under the ſame prejudices, were all diſguſted by his tyranny, and were, many of them, ſuſpected of holding a ſecret correſpondence with the enemy; and the incapacity and cowardice of the king himſelf, ill fitted to contend with thoſe mighty difficulties, made men prognoſticate the moſt fatal effects from the French invaſion.

THE KING'S SUBMISSION TO THE POPE. 1213.

PANDOLF, whom the pope had choſen for his legate, and appointed to head this important expedition, had, before he left Rome, applied for a ſecret conference with his maſter; and had aſked him whether, if the king of England, in this deſperate ſituation, were willing to ſubmit to the apoſtolic ſee, the church ſhould, without the conſent of Philip, grant him any terms of accommodation?[a] Innocent, expecting, from his agreement with a prince ſo abject both in character and fortune, more advantages than from his alliance with a great and victorious monarch, (who, after ſuch mighty acquiſitions, might become too haughty to be bound by ſpiritual chains) explained to Pandolf the conditions on which he was willing to be reconciled to the king of England. The legate, therefore, as ſoon as he arrived in the north of France, ſent over two knights templars to deſire an interview with John at Dover, which was readily granted. He there repreſented to him, in ſuch ſtrong and probably in ſuch true colours, his loſt condition, the diſaffection of his ſubjects, the ſecret combination of his vaſſals againſt him, the mighty armament of France, that John yielded at diſcretion,[b] and ſubſcribed to all the conditions which Pandolf was pleaſed to impoſe upon him. He promiſed, among other articles, that he would ſubmit himſelf entirely to the judgment of the pope; that

he would acknowledge Langton for primate; that he would reſtore all the exiled clergy and laity who had been baniſhed on account of the conteſt; that he would make them full reſtitution of their goods, and compenſation for all damages, and inſtantly conſign eight thouſand pounds in part of payment; and that every one, outlawed or impriſoned for his adherence to the pope, ſhould immediately be received into grace and favour.[c] Four barons ſwore, along with the king, to the obſervance of this ignominious treaty.[d]

But the ignominy of the king was not yet carried to its full height. Pandolf required him, as the firſt trial of obedience, to reſign his kingdom to the church; and he perſuaded him that he could nowiſe ſo effectually diſappoint the French invaſion as by thus putting himſelf under the immediate protection of the apoſtolic ſee. John, lying under the agonies of preſent terror, made no ſcruple of ſubmitting to this condition. He paſſed a charter, in which he ſaid that, not conſtrained by fear, but of his own free will, and by the common advice and conſent of his barons, he had, for remiſſion of his own ſins, and thoſe of his family, reſigned England and Ireland to God, to St. Peter and St. Paul, and to pope Innocent and his ſucceſſors in the apoſtolic chair: he agreed to hold theſe dominions as feudatory of the church of Rome, by the annual payment of a thouſand marks; ſeven hundred for England, three hundred for Ireland: and he ſtipulated that, if he or his ſucceſſors ſhould ever preſume to revoke or infringe this charter, they ſhould inſtantly, except upon admonition they repented of their offence, forfeit all right to their dominions.[e]

In conſequence of this agreement John did homage to Pandolf as the pope's legate, with all the ſubmiſſive rites which the feudal law required of vaſſals before their liege lord and ſuperior. He came diſarmed into the legate's preſence, who was ſeated on

a throne; he flung himſelf on his knees before him; he lifted up his joined hands, and put them within thoſe of Pandolf; he ſwore fealty to the pope; and he paid part of the tribute which he owed for his kingdom as the patrimony of St. Peter. The legate, elated by this ſupreme triumph of ſacerdotal power, could not forbear diſcovering extravagant ſymptoms of joy and exultation. He trampled on the money, which was laid at his feet as an earneſt of the ſubjection of the kingdom; an inſolence of which, however offenſive to all the Engliſh, no one preſent, except the archbiſhop of Dublin, dared to take any notice. But, though Pandolf had brought the king to ſubmit to theſe baſe conditions, he ſtill refuſed to free him from the excommunication and interdict till an eſtimation ſhould be taken of the loſſes of the eccleſiaſtics, and full compenſation and reſtitution ſhould be made them.

John, reduced to this abject ſituation under a foreign power, ſtill ſhewed the ſame diſpoſition to tyranniſe over his ſubjects which had been the chief cauſe of all his misfortunes. One Peter of Pomfret, a hermit, had foretold that the king this very year ſhould loſe his crown; and for that raſh prophecy he had been thrown into priſon in Corfe caſtle. John now determined to bring him to puniſhment as an impoſtor; and, though the man pleaded that his prophecy was fulfilled, and that the king had loſt the royal and independent crown which he formerly wore, the defence was ſuppoſed to aggravate his guilt: he was dragged at horſes' tails to the town of Warham, and there hanged on a gibbet with his ſon.[f]

When Pandolf, after receiving the homage of John, returned to France, he congratulated Philip on the ſucceſs of his pious enterpriſe; and informed him that John, moved by the terror of the French arms, had now come to a juſt ſenſe of his guilt; had returned to obedience under the apoſtolic ſee; and even

conſented to do homage to the pope for his dominions; and, having thus made his kingdom a part of St. Peter's patrimony, had rendered it impoſſible for any Chriſtian prince, without the moſt manifeſt and moſt flagrant impiety, to attack him.[g] Philip was enraged on receiving this intelligence: he exclaimed that, having, at the pope's inſtigation, undertaken an expedition which had coſt him above ſixty thouſand pounds ſterling, he was fruſtrated of his purpoſe at the time when its ſucceſs was become infallible: he complained that all the expenſe had fallen upon him, all the advantages had accrued to Innocent: he threatened to be no longer the dupe of theſe hypocritical pretences: and, aſſembling his vaſſals, he laid before them the ill treatment which he had received, expoſed the intereſted and fraudulent conduct of the pope, and required their aſſiſtance to execute his enterpriſe againſt England; in which he told them that, notwithſtanding the inhibitions and menaces of the legate, he was determined to perſevere. The French barons were, in that age, little leſs ignorant and ſuperſtitious than the Engliſh; yet (ſo much does the influence of thoſe religious principles depend on the preſent diſpoſitions of men!) they all vowed to follow their prince on his intended expedition, and were reſolute not to be diſappointed of that glory and thoſe riches which they had long expected from this enterpriſe. The earl of Flanders alone, who had previouſly formed a ſecret treaty with John, declaring againſt the injuſtice and impiety of the undertaking, retired with his forces;[h] and Philip, that he might not leave ſo dangerous an enemy behind him, firſt turned his arms againſt the dominions of that prince. Meanwhile the Engliſh fleet was aſſembled under the earl of Saliſbury, the king's natural brother; and, though inferior in number, received orders to attack the French in their harbours. Saliſbury performed this ſervice with ſo much ſucceſs that he took three hundred ſhips,[i] deſtroyed a hundred more;

and Philip, finding it impoſſible to prevent the reſt from falling into the hands of the enemy, ſet fire to them himſelf, and thereby rendered it impoſſible for him to proceed any farther in his enterpriſe.

John, exulting in his preſent ſecurity, inſenſible to his paſt diſgrace, was ſo elated with his ſucceſs that he thought of no leſs than invading France in his turn, and recovering all thoſe provinces which the proſperous arms of Philip had formerly raviſhed from him. He propoſed this expedition to the barons, who were already aſſembled for the defence of the kingdom. But the Engliſh nobles both hated and deſpiſed their prince; they prognoſticated no ſucceſs to any enterpriſe conducted by ſuch a leader; and, pretending that their time of ſervice was elapſed, and all their proviſions exhauſted, they refuſed to ſecond his undertaking.[k] The king, however, reſolute in his purpoſe, embarked with a few followers, and ſailed to Jerſey, in the fooliſh expectation that the barons would at laſt be aſhamed to ſtay behind.[l] But, finding himſelf diſappointed, he returned to England; and, raiſing ſome troops, threatened to take vengeance on all his nobles for their deſertion and diſobedience. The archbiſhop of Canterbury, who was in a confederacy with the barons, here interpoſed; ſtrictly inhibited the king from thinking of ſuch an attempt; and threatened him with a renewal of the ſentence of excommunication, if he pretended to levy war upon any of his ſubjects before the kingdom were freed from the ſentence of interdict.[m]

The church had recalled the ſeveral anathemas pronounced againſt John by the ſame gradual progreſs with which ſhe had at firſt iſſued them. By receiving his homage, and admitting him to the rank of a vaſſal, his depoſition had been virtually annulled, and his ſubjects were again bound by their oaths of allegiance. The exiled prelates had then returned in great tri-

umph, with Langton at their head; and the king, hearing of their approach, went forth to meet them; and, throwing himſelf on the ground before them, he entreated them, with tears, to have compaſſion on him and the kingdom of England.[n] The primate, ſeeing theſe marks of ſincere penitence, led him to the chapter-houſe of Wincheſter, and there adminiſtered an oath to him, by which he again ſwore fealty and obedience to pope Innocent and his ſucceſſors; promiſed to love, maintain, and defend, holy church and the clergy; engaged that he would reeſtabliſh the good laws of his predeceſſors, particularly thoſe of St. Edward, and would aboliſh the wicked ones; and expreſſed his reſolution of maintaining juſtice and right in all his dominions.[o] The primate next gave him abſolution in the requiſite forms, and admitted him to dine with him, to the great joy of all the people. The ſentence of interdict, however, was ſtill upheld againſt the kingdom. A new legate, Nicholas biſhop of Freſcati, came into England in the room of Pandolf; and he declared it to be the pope's intentions never to looſen that ſentence till full reſtitution were made to the clergy of every thing taken from them, and ample reparation for all damages which they had ſuſtained. He only permitted maſs to be ſaid with a low voice in the churches, till thoſe loſſes and damages could be eſtimated to the ſatisfaction of the parties. Certain barons were appointed to take an account of the claims; and John was aſtoniſhed at the greatneſs of the ſums to which the clergy made their loſſes to amount. No leſs than twenty thouſand marks were demanded by the monks of Canterbury alone; twenty-three thouſand for the ſee of Lincoln; and the king, finding theſe pretenſions to be exorbitant and endleſs, offered the clergy the ſum of a hundred thouſand marks for a final acquittal. The clergy rejected the offer with diſdain; but the pope, willing to favour his new vaſſal, whom he found zealous in his declarations

of fealty, and regular in paying the ſtipulated tribute to Rome, directed his legate to accept of forty thouſand. The iſſue of the whole was, that the biſhops and conſiderable abbots got reparation beyond what they had any title to demand; the inferior clergy were obliged to ſit down contented with their loſſes; and the king, after the interdict was taken off, renewed, in the moſt ſolemn manner, and by a new charter ſealed with gold, his profeſſions of homage and obedience to the ſee of Rome.

When this vexatious affair was at laſt brought to a concluſion, the king, as if he had nothing farther to attend to but triumphs and victories, went over to Poictou, which ſtill acknowledged his authority;[p] and he carried war into Philip's dominions. He beſieged a caſtle near Angiers; but the approach of prince Lewis, Philip's ſon, obliged him to raiſe the ſiege with ſuch precipitation that he left his tents, machines, and baggage, behind him; and he returned to England with diſgrace. About the ſame time he heard of the great and deciſive victory gained by the king of France at Bovines over the emperor Otho, who had entered France at the head of one hundred and fifty thouſand Germans; a victory which eſtabliſhed for ever the glory of Philip, and gave full ſecurity to all his dominions. John could, therefore, think henceforth of nothing farther than of ruling peaceably his own kingdom; and his cloſe connexions with the pope, which he was determined at any price to maintain, enſured him, as he imagined, the certain attainment of that object. But the laſt and moſt grievous ſcene of this prince's misfortunes ſtill awaited him; and he was deſtined to paſs through a ſeries of more humiliating circumſtances than had ever yet fallen to the lot of any other monarch.

INSURRECTION OF THE BARONS. 1214.

THE introduction of the feudal law into England by William the Conqueror had much infringed the liberties, however imperfect, enjoyed by the Anglo Saxons in their ancient government, and had reduced the whole people to a ſtate of vaſſalage under the king or barons, and even the greater part of them to a ſtate of real ſlavery. The neceſſity alſo of intruſting great power in the hands of a prince, who was to maintain military dominion over a vanquiſhed nation, had engaged the Norman barons to ſubmit to a more ſevere and abſolute prerogative than that to which men of their rank, in other feudal governments, were commonly ſubjected. The power of the crown, once raiſed to a high pitch, was not eaſily reduced; and the nation, during the courſe of a hundred and fifty years, was governed by an authority unknown, in the ſame degree, to all the kingdoms founded by the northern conquerors. Henry I, that he might allure the people to give an excluſion to his elder brother Robert, had granted them a charter, favourable in many particulars to their liberties; Stephen had renewed the grant; Henry II had confirmed it. But the conceſſions of all theſe princes had ſtill remained without effect; and the ſame unlimited, at leaſt irregular, authority continued to be exerciſed both by them and their ſucceſſors. The only happineſs was, that arms were never yet raviſhed from the hands of the barons and people; the nation, by a great confederacy, might ſtill vindicate its liberties; and nothing was more likely than the character, conduct, and fortunes, of the reigning prince to produce ſuch a general combination againſt him. Equally odious and contemptible, both in public and private life, he affronted the barons by his inſolence, diſhonoured their families by his gallantries, enraged them by

his tyranny, and gave diſcontent to all ranks of men by his endleſs exactions and impoſitions.[q] The effect of theſe lawleſs practices had already appeared in the general demand made by the barons of a reſtoration of their privileges; and, after he had reconciled himſelf to the pope by abandoning the independence of the kingdom, he appeared to all his ſubjects in ſo mean a light that they univerſally thought they might with ſafety and honour inſiſt upon their pretenſions.

But nothing forwarded this confederacy ſo much as the concurrence of Langton archbiſhop of Canterbury; a man whoſe memory, though he was obtruded on the nation by a palpable encroachment of the ſee of Rome, ought always to be reſpected by the Engliſh. This prelate, whether he was moved by the generoſity of his nature and his affection to public good, or had entertained an animoſity againſt John on account of the long oppoſition made by that prince to his election, or thought that an acquiſition of liberty to the people would ſerve to increaſe and ſecure the privileges of the church, had formed the plan of reforming the government; and had prepared the way for that great innovation, by inſerting thoſe ſingular clauſes above mentioned in the oath which he adminiſtered to the king before he would abſolve him from the ſentence of excommunication. Soon after, in a private meeting of ſome principal barons at London, he ſhewed them a copy of Henry I's charter, which, he ſaid, he had happily found in a monaſtery; and he exhorted them to inſiſt on the renewal and obſervance of it. The barons ſwore that they would ſooner loſe their lives than depart from ſo reaſonable a demand.[r] The confederacy began now to ſpread wider, and to comprehend almoſt all the barons in England; and a new and more numerous meeting was ſummoned by Langton at St. Edmondſbury, under colour of devotion. He again produced to the aſſembly the old charter of Henry; renewed his

exhortations of unanimity and vigour in the profecution of their purpofe; and repreſented in the ſtrongeſt colours the tyranny to which they had ſo long been ſubjected, and from which it now behoved them to free themſelves and their poſterity.[s] The barons, inflamed by his eloquence, incited by the ſenſe of their own wrongs, and encouraged by the appearance of their power and numbers, ſolemnly took an oath, before the high altar, to adhere to each other, to inſiſt on their demands, and to make endleſs war on the king,[t] till he ſhould ſubmit to grant them. They agreed that, after the feſtival of Chriſtmas, they would prefer in a body their common petition: and in the mean time they ſeparated; after mutually engaging that they would put themſelves in a poſture of defence, would inliſt men and purchaſe arms, and would ſupply their caſtles with the neceſſary proviſions.

The barons appeared in London on the day appointed, and demanded of the king that, in conſequence of his own oath before the primate, as well as in deference to their juſt rights, he ſhould grant them a renewal of Henry's charter, and a confirmation of the laws of St. Edward. The king, alarmed with their zeal and unanimity, as well as with their power, required a delay; promiſed that, at the feſtival of Eaſter, he would give them a poſitive anſwer to their petition; and offered them the archbiſhop of Canterbury, the biſhop of Ely, and the earl of Pembroke the mareſchal, as ſureties for his fulfilling this engagement.[u] The barons accepted of the terms, and peaceably returned to their caſtles.

During this interval John, in order to break or ſubdue the league of his barons, endeavoured to avail himſelf of the eccleſiaſtical power, of whoſe influence he had, from his own recent misfortunes, had ſuch fatal experience. He granted to the clergy a charter, relinquiſhing for ever that important prerogative for

which his father and all his anceſtors had zealouſly contended; yielding to them the free election on all vacancies, reſerving only the power to iſſue a conge d'elire, and to ſubjoin a confirmation of the election; and declaring that, if either of theſe were withheld, the choice ſhould nevertheleſs be deemed juſt and valid.[x] He made a vow to lead an army into Paleſtine againſt the infidels, and he took on him the croſs, in hopes that he ſhould receive from the church that protection which ſhe tendered to every one that had entered into this ſacred and meritorious engagement.[y] And he ſent to Rome his agent William de Mauclerc, in order to appeal to the pope againſt the violence of his barons, and procure him a favourable ſentence from that powerful tribunal.[z] The barons alſo were not negligent on their part in endeavouring to engage the pope in their intereſts. They diſpatched Euſtace de Veſcie to Rome; laid their caſe before Innocent as their feudal lord; and petitioned him to interpoſe his authority with the king, and oblige him to reſtore and confirm all their juſt and undoubted privileges.[a]

Innocent beheld with regret the diſturbances which had ariſen in England, and was much inclined to favour John in his pretenſions. He had no hopes of retaining and extending his newly acquired ſuperiority over that kingdom but by ſupporting ſo baſe and degenerate a prince, who was willing to ſacrifice every conſideration to his preſent ſafety; and he foreſaw that, if the adminiſtration ſhould fall into the hands of thoſe gallant and high ſpirited barons, they would vindicate the honour, liberty, and independence, of the nation, with the ſame ardour which they now exerted in defence of their own. He wrote letters therefore to the prelates, to the nobility, and to the king himſelf. He exhorted the firſt to employ their good offices in conciliating peace between the contending parties, and putting an end to civil diſcord; to the ſecond he expreſſed his diſapprobation of

their conduct in employing force to extort conceſſions from their reluctant ſovereign; the laſt he adviſed to treat his nobles with grace and indulgence, and to grant them ſuch of their demands as ſhould appear juſt and reaſonable.[b]

The barons eaſily ſaw, from the tenor of theſe letters, that they muſt reckon on having the pope, as well as the king, for their adverſary; but they had already advanced too far to recede from their pretenſions, and their paſſions were ſo deeply engaged that it exceeded even the power of ſuperſtition itſelf any longer to control them. They alſo foreſaw that the thunders of Rome, when not ſeconded by the efforts of the Engliſh eccleſiaſtics, would be of ſmall avail againſt them; and they perceived that the moſt conſiderable of the prelates, as well as all the inferior clergy, profeſſed the higheſt approbation of their cauſe. Beſides that theſe men were ſeized with the national paſſion for laws and liberty (bleſſings of which they themſelves expected to partake), there concurred very powerful cauſes to looſen their devoted attachment to the apoſtolic ſee. It appeared, from the late uſurpations of the Roman pontiff, that he pretended to reap alone all the advantages accruing from that victory, which, under his banners, though at their own peril, they had every where obtained over the civil magiſtrate. The pope aſſumed a deſpotic power over all the churches; their particular cuſtoms, privileges, and immunities, were treated with diſdain; even the canons of general councils were ſet aſide by his diſpenſing power; the whole adminiſtration of the church was centered in the court of Rome; all preferments ran of courſe in the ſame channel; and the provincial clergy ſaw, at leaſt felt, that there was a neceſſity for limiting theſe pretenſions. The legate Nicholas, in filling thoſe numerous vacancies which had fallen in England during an interdict of ſix years, had proceeded in the moſt arbitrary manner; and had paid no

regard in conferring dignities to perſonal merit, to rank, to the inclination of the electors, or to the cuſtoms of the country. The Engliſh church was univerſally diſguſted; and Langton himſelf, though he owed his elevation to an encroachment of the Romiſh ſee, was no ſooner eſtabliſhed in his high office than he became jealous of the privileges annexed to it, and formed attachments with the country ſubjected to his juriſdiction. Theſe cauſes, though they opened ſlowly the eyes of men, failed not to produce their effect; they ſet bounds to the uſurpations of the papacy; the tide firſt ſtopped, and then turned againſt the ſovereign pontiff; and it is otherwiſe inconceivable how that age, ſo prone to ſuperſtition and ſo ſunk in ignorance, or rather ſo devoted to a ſpurious erudition, could have eſcaped falling into an abſolute and total ſlavery under the court of Rome.

About the time that the pope's letters arrived in England the malcontent barons, on the approach of the feſtival of Eaſter, when they were to expect the king's anſwer to their petition, met by agreement at Stamford; and they aſſembled a force, conſiſting of above two thouſand knights, beſides their retainers and inferior perſons without number. Elated with their power, they advanced in a body to Brackley, within fifteen miles of Oxford, the place where the court then reſided; and they there received a meſſage from the king, by the archbiſhop of Canterbury and the earl of Pembroke, deſiring to know what thoſe liberties were which they ſo zealouſly challenged from their ſovereign. They delivered to theſe meſſengers a ſchedule containing the chief articles of their demands; which was no ſooner ſhewn to the king than he burſt into a furious paſſion, and aſked why the barons did not alſo demand of him his kingdom? ſwearing that he would never grant them ſuch liberties as muſt reduce himſelf to ſlavery.[c]

No ſooner were the confederated nobles informed of John's reply than they choſe Robert Fitz Walter their general, whom they called 'the mareſchal of the army of God and of holy church;' and they proceeded without farther ceremony to levy war upon the king. They beſieged the caſtle of Northampton during fifteen days, though without ſucceſs;[d] the gates of Bedford caſtle were willingly opened to them by William Beauchamp its owner; they advanced to Ware in their way to London, where they held a correſpondence with the principal citizens; they were received without oppoſition into that capital; and, finding now the great ſuperiority of their force, they iſſued proclamations, requiring the other barons to join them, and menacing them, in caſe of refuſal or delay, with committing devaſtation on their houſes and eſtates.[e] In order to ſhew what might be expected from their proſperous arms, they made incurſions from London, and laid waſte the king's parks and palaces; and all the barons, who had hitherto carried the ſemblance of ſupporting the royal party, were glad of this pretence for openly joining a cauſe which they always had ſecretly favoured. The king was left at Odiham in Hampſhire, with a poor retinue of only ſeven knights; and, after trying ſeveral expedients to elude the blow, after offering to refer all differences to the pope alone, or to eight barons, four to be choſen by himſelf and four by the confederates,[f] he found himſelf at laſt obliged to ſubmit at diſcretion.

MAGNA CHARTA. 1215.

A CONFERENCE between the king and the barons was appointed at Runnemede, between Windſor and Staines; a place which has ever ſince been extremely celebrated on account of this great event. The two parties encamped apart, like open enemies; and, after a debate of a few days, the king, with a facility ſome-

MAGNA CHARTA.

what ſuſpicious, on the nineteenth of June, ſigned and ſealed the charter which was required of him. This famous deed, commonly called 'the Great Charter,' either granted or ſecured very important liberties and privileges to every order of men in the kingdom; to the clergy, to the barons, and to the people.

The freedom of elections was ſecured to the clergy; the former charter of the king was confirmed, by which the neceſſity of a royal conge d'elire and confirmation was ſuperſeded; all check upon appeals to Rome was removed by the allowance granted every man to depart the kingdom at pleaſure; and the fines to be impoſed on the clergy for any offence were ordained to be proportional to their lay eſtates, not to their eccleſiaſtical benefices.

The privileges granted to the barons were either abatements in the rigour of the feudal law, or determinations in points which had been left by that law, or had become by practice, arbitrary and ambiguous. The reliefs of heirs ſucceeding to a military fee were aſcertained; an earl's and baron's at a hundred marks, a knight's at a hundred ſhillings. It was ordained by the charter that, if the heir be a minor, he ſhall, immediately upon his majority, enter upon his eſtate without paying any relief; the king ſhall not ſell his wardſhip; he ſhall levy only reaſonable profits upon the eſtate, without committing waſte or hurting the property; he ſhall uphold the caſtles, houſes, mills, parks, and ponds; and, if he commit the guardianſhip of the eſtate to the ſheriff or any other, he ſhall previouſly oblige them to find ſurety to the ſame purpoſe. During the minority of a baron, while his lands are in wardſhip, and are not in his own poſſeſſion, no debt which he owes to the Jews ſhall bear any intereſt. Heirs ſhall be married without diſparagement; and before the marriage be contracted the neareſt relations of the perſon ſhall be informed of it. A widow, without paying any

relief, ſhall enter upon her dower, the third part of her huſband's rents; ſhe ſhall not be compelled to marry ſo long as ſhe chooſes to continue ſingle; ſhe ſhall only give ſecurity never to marry without her lord's conſent. The king ſhall not claim the wardſhip of any minor, who holds lands by military tenure of a baron, on pretence that he alſo holds lands of the crown by ſoccage or any other tenure. Scutages ſhall be eſtimated at the ſame rate as in the time of Henry I, and no ſcutage or aid, except in the three general feudal caſes, the king's captivity, the knighting of his eldeſt ſon, and the marrying of his eldeſt daughter, ſhall be impoſed but by the great council of the kingdom; the prelates, earls, and great barons, ſhall be called to this great council, each by a particular writ; the leſſer barons by a general ſummons of the ſheriff. The king ſhall not ſeize any baron's land for a debt to the crown, if the baron poſſeſſes as many goods and chattels as are ſufficient to diſcharge the debt. No man ſhall be obliged to perform more ſervice for his fee than he is bound to by his tenure. No governor or conſtable of a caſtle ſhall oblige any knight to give money for caſtle guard, if the knight be willing to perform the ſervice in perſon, or by another able bodied man; and, if the knight be in the field himſelf by the king's command, he ſhall be exempted from all other ſervice of this nature. No vaſſal ſhall be allowed to ſell ſo much of his land as to incapacitate himſelf from performing his ſervice to his lord.

Theſe were the principal articles calculated for the intereſt of the barons; and, had the charter contained nothing farther, national happineſs and liberty had been very little promoted by it, as it would only have tended to increaſe the power and independence of an order of men who were already too powerful, and whoſe yoke might have become more heavy on the people than even that of an abſolute monarch. But the barons, who

alone drew and impoſed on the prince this memorable charter, were neceſſitated to inſert in it other clauſes of a more extenſive and more beneficent nature. They could not expect the concurrence of the people without comprehending, together with their own, the intereſts of inferior ranks of men; and all proviſions which the barons, for their own ſake, were obliged to make, in order to enſure the free and equitable adminiſtration of juſtice, tended directly to the benefit of the whole community. The following were the principal clauſes of this nature.

It was ordained that all the privileges and immunities above mentioned, granted to the barons againſt the king, ſhould be extended by the barons to their inferior vaſſals. The king bound himſelf not to grant any writ, empowering a baron to levy aid from his vaſſals, except in the three feudal caſes. One weight and one meaſure ſhall be eſtabliſhed throughout the kingdom. Merchants ſhall be allowed to tranſact all buſineſs without being expoſed to any arbitrary tolls and impoſitions; they, and all free men, ſhall be allowed to go out of the kingdom and return to it at pleaſure. London, and all cities and burghs, ſhall preſerve their ancient liberties, immunities, and free cuſtoms; aids ſhall not be required of them but by the conſent of the great council. No towns or individuals ſhall be obliged to make or ſupport bridges but by ancient cuſtom. The goods of every freeman ſhall be diſpoſed of according to his will; if he die inteſtate, his heirs ſhall ſucceed to them. No officer of the crown ſhall take any horſes, carts, or wood, without the conſent of the owner. The king's courts of juſtice ſhall be ſtationary, and ſhall no longer follow his perſon; they ſhall be open to every one; and juſtice ſhall no longer be ſold, refuſed, or delayed, by them. Circuits ſhall be regularly held every year. The inferior tribunals of juſtice, the county court, ſheriff's turn, and court leet, ſhall meet at their appointed time and place. The ſheriffs ſhall

be incapacitated to hold pleas of the crown; and ſhall not put any perſon upon his trial from rumour or ſuſpicion alone, but upon the evidence of lawful witneſſes. No freeman ſhall be taken or impriſoned, or diſpoſſeſſed of his free tenement and liberties, or outlawed, or baniſhed, or anywiſe hurt or injured, unleſs by the legal judgment of his peers, or by the law of the land; and all who ſuffered otherwiſe, in this or the two former reigns, ſhall be reſtored to their rights and poſſeſſions. Every freeman ſhall be fined in proportion to his fault, and no fine ſhall be levied on him to his utter ruin; even a villain or ruſtic ſhall not, by any fine, be bereaved of his carts, ploughs, and implements of huſbandry. This was the only article calculated for the intereſts of this body of men, probably at that time the moſt numerous in the kingdom.

It muſt be confeſſed that the former articles of the Great Charter contain ſuch mitigations and explanations of the feudal law as are reaſonable and equitable; and that the latter involve all the chief outlines of a legal government, and provide for the equal diſtribution of juſtice and free enjoyment of property; the great objects for which political ſociety was at firſt founded by men, which the people have a perpetual and unalienable right to recall, and which no time, nor precedent, nor ſtatute, nor poſitive inſtitution, ought to deter them from keeping ever uppermoſt in their thoughts and attention. Though the proviſions made by this charter might, conformably to the genius of the age, be eſteemed too conciſe, and too bare of circumſtances, to maintain the execution of its articles in oppoſition to the chicanery of lawyers, ſupported by the violence of power, time gradually aſcertained the ſenſe of all the ambiguous expreſſions; and thoſe generous barons, who firſt extorted this conceſſion, ſtill held their ſwords in their hands, and could turn them againſt thoſe who dared on any pretence to depart from the original

ſpirit and meaning of the grant. We may now, from the tenor of this charter, conjecture what thoſe laws were of king Edward which the Engliſh nation, during ſo many generations, ſtill deſired, with ſuch an obſtinate perſeverance, to have recalled and eſtabliſhed. They were chiefly theſe latter articles of Magna Charta; and the barons, who at the beginning of theſe commotions demanded the revival of the Saxon laws, undoubtedly thought that they had ſufficiently ſatisfied the people by procuring them this conceſſion, which comprehended the principal objects to which they had ſo long aſpired. But what we are moſt to admire is the prudence and moderation of thoſe haughty nobles themſelves, who were enraged by injuries, inflamed by oppoſition, and elated by a total victory over their ſovereign. They were content, even in this plenitude of power, to depart from ſome articles of Henry I's charter, which they made the foundation of their demands; particularly from the abolition of wardſhips, a matter of the greateſt importance; and they ſeem to have been ſufficiently careful not to diminiſh too far the power and revenue of the crown. If they appear, therefore, to have carried other demands to too great a height, it can be aſcribed only to the faithleſs and tyrannical character of the king himſelf, of which they had long had experience, and which they foreſaw would, if they provided no farther ſecurity, lead him ſoon to infringe their new liberties and revoke his own conceſſions. This alone gave birth to thoſe other articles, ſeemingly exorbitant, which were added as a rampart for the ſafeguard of the Great Charter.

The barons obliged the king to agree that London ſhould remain in their hands, and the tower be conſigned to the cuſtody of the primate, till the fifteenth of Auguſt enſuing, or till the execution of the ſeveral articles of the Great Charter.[8] The better to enſure the ſame end, he allowed them to chooſe five-

and-twenty members from their own body, as conſervators of the public liberties; and no bounds were ſet to the authority of theſe men either in extent or duration. If any complaint were made of a violation of the charter, whether attempted by the king, juſticiaries, ſheriffs, or foreſters, any four of theſe barons might admoniſh the king to redreſs the grievance: if ſatisfaction were not obtained, they could aſſemble the whole council of twenty-five; who, in conjunction with the great council, were empowered to compel him to obſerve the charter; and, in caſe of reſiſtance, might levy war againſt him, attack his caſtles, and employ every kind of violence, except againſt his royal perſon, and that of his queen and children. All men throughout the kingdom were bound, under the penalty of confiſcation, to ſwear obedience to the twenty-five barons; and the freeholders of each county were to chooſe twelve knights, who were to make report of ſuch evil cuſtoms as required redreſs, conformably to the tenor of the Great Charter.[h] The names of thoſe conſervators were, the earls of Clare, Albemarle, Gloceſter, Wincheſter, Hereford, Roger Bigod earl of Norfolk, Robert de Vere earl of Oxford, William Mareſchal the younger, Robert Fitz Walter, Gilbert de Clare, Euſtace de Veſcey, Gilbert Delaval, William de Moubray, Geoffrey de Say, Roger de Mombezon, William de Huntingfield, Robert de Ros, the conſtable of Cheſter, William de Aubenie, Richard de Perci, William Malet, John Fitz Robert, William de Lanvalay, Hugh de Bigod, and Roger de Montfichet.[i] Theſe men were, by this convention, really inveſted with the ſovereignty of the kingdom; they were rendered co-ordinate with the king, or rather ſuperior to him, in the exerciſe of the executive power; and, as there was no circumſtance of government which, either directly or indirectly, might not bear a relation to the ſecurity or obſervance of the Great Charter, there could ſcarcely occur

any incident in which they might not lawfully interpoſe their authority.

John ſeemed to ſubmit paſſively to all theſe regulations, however injurious to majeſty; he ſent writs to all the ſheriffs, ordering them to conſtrain every one to ſwear obedience to the twenty-five barons;[k] he diſmiſſed all his foreign forces; he pretended that his government was thenceforth to run in a new tenor, and be more indulgent to the liberty and independence of his people: but he only diſſembled till he ſhould find a favourable opportunity for annulling all his conceſſions. The injuries and indignities which he had formerly ſuffered from the pope and the king of France, as they came from equals or ſuperiors, ſeemed to make but ſmall impreſſion on him; but the ſenſe of this perpetual and total ſubjection under his own rebellious vaſſals ſunk deep in his mind, and he was determined, at all hazards, to throw off ſo ignominious a ſlavery.[l] He grew ſullen, ſilent, and reſerved; he ſhunned the ſociety of his courtiers and nobles; he retired into the Iſle of Wight, as if deſirous of hiding his ſhame and confuſion; but in this retreat he meditated the moſt fatal vengeance againſt all his enemies.[m] He ſecretly ſent abroad his emiſſaries to inliſt foreign ſoldiers, and to invite the rapacious Brabançons into his ſervice by the proſpect of ſharing the ſpoils of England, and reaping the forfeitures of ſo many opulent barons, who had incurred the guilt of rebellion by riſing in arms againſt him;[n] and he diſpatched a meſſenger to Rome, in order to lay before the pope the Great Charter, which he had been compelled to ſign, and to complain, before that tribunal, of the violence which had been impoſed upon him.[o]

Innocent, conſidering himſelf as feudal lord of the kingdom, was incenſed at the temerity of the barons; who, though they pretended to appeal to his authority, had dared, without wait-

ing for his conſent, to impoſe ſuch terms on a prince, who, by reſigning to the Roman pontiff his crown and independence, had placed himſelf immediately under the papal protection. He iſſued, therefore, a bull, in which, from the plenitude of his apoſtolic power, and from the authority which God had committed to him to build and deſtroy kingdoms, to plant and overthrow, he annulled and abrogated the whole charter, as unjuſt in itſelf, as obtained by compulſion, and as derogatory to the dignity of the apoſtolic ſee. He prohibited the barons from exacting the obſervance of it; he even prohibited the king himſelf from paying any regard to it; he abſolved him and his ſubjects from all oaths which they had been conſtrained to take to that purpoſe; and he pronounced a general ſentence of excommunication againſt every one who ſhould perſevere in maintaining ſuch treaſonable and iniquitous pretenſions.[p]

RENEWAL OF THE CIVIL WARS.

The king, as his foreign forces arrived along with this bull, now ventured to take off the maſk; and, under ſanction of the pope's decree, recalled all the liberties which he had granted to his ſubjects, and which he had ſolemnly ſworn to obſerve. But the ſpiritual weapon was found, upon trial, to carry leſs force with it than he had reaſon from his own experience to apprehend. The primate refuſed to obey the pope in publiſhing the ſentence of excommunication againſt the barons. And, though he was cited to Rome, that he might attend a general council there aſſembled, and was ſuſpended on account of his diſobedience to the pope and his ſecret correſpondence with the king's enemies;[q] though a new and particular ſentence of excommunication was pronounced by name againſt the principal barons;[r] John ſtill found that his nobility and people, and even his clergy, ad-

GUNDULPH'S TOWER, ROCHESTER CASTLE.

hered to the defence of their liberties, and to their combination againſt him; the ſword of his foreign mercenaries was all he had to truſt to for reſtoring his authority.

The barons, after obtaining the Great Charter, ſeem to have been lulled into a fatal ſecurity, and to have taken no rational meaſures, in caſe of the introduction of a foreign force, for reaſſembling their armies. The king was, from the firſt, maſter of the field; and immediately laid ſiege to the caſtle of Rocheſter, which was obſtinately defended by William de Albiney, at the head of a hundred and forty knights with their retainers, but was at laſt reduced by famine. John, irritated with the reſiſtance, intended to have hanged the governor and all the garriſon; but, on the repreſentation of William de Mauleon, who ſuggeſted to him the danger of repriſals, he was content to ſacrifice, in this barbarous manner, the inferior priſoners [s] only. The captivity of William de Albiney, the beſt officer among the confederated barons, was an irreparable loſs to their cauſe; and no regular oppoſition was thenceforth made to the progreſs of the royal arms. The ravenous and barbarous mercenaries, incited by a cruel and enraged prince, were let looſe againſt the eſtates, tenants, manors, houſes, parks, of the barons, and ſpread devaſtation over the face of the kingdom. Nothing was to be ſeen but the flames of villages and caſtles reduced to aſhes; the conſternation and miſery of the inhabitants; tortures exerciſed by the ſoldiery to make them reveal their concealed treaſures; and repriſals, no leſs barbarous, committed by the barons and their partiſans on the royal demeſnes, and on the eſtates of ſuch as ſtill adhered to the crown. The king, marching through the whole extent of England, from Dover to Berwick, laid the provinces waſte on each ſide of him; and conſidered every ſtate, which was not his immediate property, as entirely hoſtile, and the object of military execution. The nobility of the north, in

particular, who had ſhewn greateſt violence in the recovery of their liberties, and who, acting in a ſeparate body, had expreſſed their diſcontent even at the conceſſions made by the Great Charter, as they could expect no mercy, fled before him with their wives and families, and purchaſed the friendſhip of Alexander, the young king of Scots, by doing homage to him.

PRINCE LEWIS CALLED OVER.

The barons, reduced to this deſperate extremity, and menaced with the total loſs of their liberties, their properties, and their lives, employed a remedy no leſs deſperate; and, making applications to the court of France, they offered to acknowledge Lewis, the eldeſt ſon of Philip, for their ſovereign, on condition that he would afford them protection from the violence of their enraged prince. Though the ſenſe of the common rights of mankind, the only rights that are entirely indefeaſible, might have juſtified them in the depoſition of their king, they declined inſiſting before Philip on a pretenſion which is commonly ſo diſagreeable to ſovereigns, and which ſounds harſhly in their royal ears. They affirmed that John was incapable of ſucceeding to the crown by reaſon of the attainder paſſed upon him during his brother's reign, though that attainder had been reverſed, and Richard had even, by his laſt will, declared him his ſucceſſor. They pretended that he was already legally depoſed, by ſentence of the peers of France, on account of the murder of his nephew; though that ſentence could not poſſibly regard any thing but his tranſmarine dominions, which alone he held in vaſſalage to that crown. On more plauſible grounds they affirmed that he had already depoſed himſelf by doing homage to the pope, changing the nature of his ſovereignty, and reſigning an independent crown for a fee under a foreign power.

And, as Blanche of Caſtile, the wife of Lewis, was deſcended by her mother from Henry II, they maintained, though many other princes ſtood before her in the order of ſucceſſion, that they had not ſhaken off the royal family in chooſing her huſband for their ſovereign.

Philip was ſtrongly tempted to lay hold on the rich prize which was offered to him. The legate menaced him with interdicts and excommunications if he invaded the patrimony of St. Peter, or attacked a prince who was under the immediate protection of the holy ſee;[t] but, as Philip was aſſured of the obedience of his own vaſſals, his principles were changed with the times, and he now undervalued as much all papal cenſures as he formerly pretended to pay reſpect to them. His chief ſcruple was with regard to the fidelity which he might expect from the Engliſh barons in their new engagements, and the danger of intruſting his ſon and heir into the hands of men who might, on any caprice or neceſſity, make peace with their native ſovereign by ſacrificing a pledge of ſo much value. He therefore exacted from the barons twenty-five hoſtages of the moſt noble birth in the kingdom;[u] and, having obtained this ſecurity, he ſent over firſt a ſmall army to the relief of the confederates, then more numerous forces, which arrived with Lewis himſelf at their head.

The firſt effect of the young prince's appearance in England was the deſertion of John's foreign troops; who, being moſtly levied in Flanders and other provinces of France, refuſed to ſerve againſt the heir of their monarchy.[x] The Gaſcons and Poictevins alone, who were ſtill John's ſubjects, adhered to his cauſe; but they were too weak to maintain that ſuperiority in the field which they had hitherto ſupported againſt the confederated barons. Many conſiderable noblemen deſerted John's party; the earls of Saliſbury, Arundel, Warrenne, Oxford, Albe-

marle, and William Mareſchal the younger. His caſtles fell daily into the hands of the enemy; Dover was the only place which, from the valour and fidelity of Hubert de Burgh the governor, made reſiſtance to the progreſs of Lewis:[y] and the barons had the melancholy proſpect of finally ſucceeding in their purpoſe, and of eſcaping the tyranny of their own king, by impoſing on themſelves and the nation a foreign yoke. But this union was of ſhort duration between the French and Engliſh nobles; and the imprudence of Lewis, who on every occaſion ſhewed too viſible a preference to the former, increaſed that jealouſy which it was ſo natural for the latter to entertain in their preſent ſituation.[z] The viſcount of Melun, too, it is ſaid, one of his courtiers, fell ſick at London, and, finding the approaches of death, he ſent for ſome of his friends among the Engliſh barons, and, warning them of their danger, revealed Lewis's ſecret intentions of exterminating them and their families as traitors to their prince, and of beſtowing their eſtates and dignities on his native ſubjects, in whoſe fidelity he could more reaſonably place confidence.[a] This ſtory, whether true or falſe, was univerſally reported and believed; and, concurring with other circumſtances which rendered it credible, did great prejudice to the cauſe of Lewis. The earl of Saliſbury and other noblemen deſerted again to John's party;[b] and, as men eaſily change ſides in a civil war, eſpecially where their power is founded on an hereditary and independent authority, and is not derived from the opinion and favour of the people, the French prince had reaſon to dread a ſudden reverſe of fortune.

DEATH AND CHARACTER OF THE KING. 1216.

THE king was aſſembling a conſiderable army, with a view of fighting one great battle for his crown; but, paſſing from Lynne

to Lincolnſhire, his road lay along the ſea ſhore, which was overflowed at high water; and, not chooſing the proper time for his journey, he loſt in the inundation all his carriages, treaſure, baggage, and regalia. The affliction for this diſaſter, and vexation from the diſtracted ſtate of his affairs, increaſed the ſickneſs under which he then laboured; and, though he reached the caſtle of Newark, he was obliged to halt there; and his diſtemper ſoon after put an end to his life, in the forty-ninth year of his age and eighteenth of his reign, and freed the nation from the dangers to which it was equally expoſed by his ſucceſs or by his misfortunes.

The character of this prince is nothing but a complication of vices, equally mean and odious; ruinous to himſelf, and deſtructive to his people. Cowardice, inactivity, folly, levity, licentiouſneſs, ingratitude, treachery, tyranny, and cruelty; all theſe qualities appear too evidently, in the ſeveral incidents of his life, to give us room to ſuſpect that the diſagreeable picture has been anywiſe overcharged by the prejudices of the ancient hiſtorians. It is hard to ſay whether his conduct to his father, his brother, his nephew, or his ſubjects, was moſt culpable; or whether his crimes, in theſe reſpects, were not even exceeded by the baſeneſs which appeared in his tranſactions with the king of France, the pope, and the barons. His European dominions, when they devolved to him by the death of his brother, were more extenſive than have ever, ſince his time, been ruled by any Engliſh monarch: but he firſt loſt, by his miſconduct, the flouriſhing provinces in France, the ancient patrimony of his family; he ſubjected his kingdom to a ſhameful vaſſalage under the ſee of Rome; he ſaw the prerogatives of his crown diminiſhed by law, and ſtill more reduced by faction; and he died at laſt when in danger of being totally expelled by a foreign power, and of either ending his life miſerably in priſon, or ſeeking ſhelter as a fugitive from the purſuit of his enemies.

The prejudices againſt this prince were ſo violent, that he was believed to have ſent an embaſſy to the Miramoulin or emperor of Morocco, and to have offered to change his religion and become Mahometan, in order to purchaſe the protection of that monarch. But, though this ſtory is told us on plauſible authority by Matthew Paris,[c] it is in itſelf utterly improbable; except that there is nothing ſo incredible but may be believed to proceed from the folly and wickedneſs of John.

The monks throw great reproaches on this prince for his impiety and even infidelity; and, as an inſtance of it, they tell us that, having one day caught a very fat ſtag, he exclaimed, 'How plump and well fed is this animal! and yet I dare ſwear he never[d] heard maſs.' This ſally of wit, upon the uſual corpulency of the prieſts, more than all his enormous crimes and iniquities, made him paſs with them for an atheiſt.

John left two legitimate ſons behind him; Henry, born on the firſt of October 1207, and now nine years of age; and Richard, born on the ſixth of January 1209: and three daughters; Jane, afterwards married to Alexander king of Scots; Eleanor, married firſt to William Mareſchal the younger earl of Pembroke, and then to Simon Mountfort earl of Leiceſter; and Iſabella, married to the emperor Frederic II. All theſe children were born to him by Iſabella of Angouleſme, his ſecond wife. His illegitimate children were numerous, but none of them were anywiſe diſtinguiſhed.

It was this king who, in the ninth year of his reign, firſt gave by charter to the city of London the right of electing annually a mayor out of its own body, an office which was till now held for life. He gave the city alſo power to elect and remove its ſheriffs at pleaſure, and its common-council-men annually. London bridge was finiſhed in this reign; the former bridge was of wood. Maud the empreſs was the firſt that built a ſtone bridge in England.

APPENDIX II.

THE FEUDAL AND ANGLO NORMAN GOVERNMENT AND MANNERS.

ORIGIN OF THE FEUDAL LAW....ITS PROGRESS....FEUDAL GOVERNMENT OF ENGLAND....THE FEUDAL PARLIAMENT....THE COMMONS....JUDICIAL POWER....REVENUE OF THE CROWN....COMMERCE....THE CHURCH....CIVIL LAWS....MANNERS.

THE feudal law is the chief foundation both of the political government and of the juriſprudence eſtabliſhed by the Normans in England. Our ſubject, therefore, requires that we ſhould form a juſt idea of this law, in order to explain the ſtate as well of that kingdom as of all other kingdoms of Europe, which during thoſe ages were governed by ſimilar inſtitutions. And, though I am ſenſible that I muſt here repeat many obſervations and reflections which have been communicated by others,[e] yet, as every book, agreeably to the obſervation [f] of a great hiſtorian, ſhould be as complete as poſſible within itſelf, and ſhould never refer for any thing material to other books, it will be neceſſary in this place to deliver a ſhort plan of that prodigious fabric which for ſeveral centuries preſerved ſuch a mixture of liberty

and oppreſſion, order and anarchy, ſtability and revolution, as was never experienced in any other age, or any other part of the world.

ORIGIN OF THE FEUDAL LAW.

After the northern nations had ſubdued the provinces of the Roman empire, they were obliged to eſtabliſh a ſyſtem of government which might ſecure their conqueſts, as well againſt the revolt of their numerous ſubjects, who remained in the provinces, as from the inroads of other tribes, who might be tempted to raviſh from them their new acquiſitions. The great change of circumſtances made them here depart from thoſe inſtitutions which prevailed among them while they remained in the foreſts of Germany; yet was it ſtill natural for them to retain, in their preſent ſettlement, as much of their ancient cuſtoms as was compatible with their new ſituation.

The German governments, being more a confederacy of independent warriors than a civil ſubjection, derived their principal force from many inferior and voluntary aſſociations, which individuals formed under a particular head or chieftain, and which it became the higheſt point of honour to maintain with inviolable fidelity. The glory of the chief conſiſted in the number, the bravery, and the zealous attachment, of his retainers. The duty of the retainers required that they ſhould accompany their chief in all wars and dangers; that they ſhould fight and periſh by his ſide; and that they ſhould eſteem his renown or his favour a ſufficient recompenſe for all their ſervices.[g] The prince himſelf was nothing but a great chieftain, who was choſen from among the reſt on account of his ſuperior valour or nobility, and who derived his power from the voluntary aſſociation or attachment of the other chieftains.

When a tribe, governed by theſe ideas, and actuated by theſe principles, ſubdued a large territory, they found that, though it was neceſſary to keep themſelves in a military poſture, they could neither remain united in a body, nor take up their quarters in ſeveral garriſons; and that their manners and inſtitutions debarred them from uſing theſe expedients, the obvious ones which in a like ſituation would have been employed by a more civilized nation. Their ignorance in the art of finances, and perhaps the devaſtations inſeparable from ſuch violent conqueſts, rendered it impracticable for them to levy taxes ſufficient for the pay of numerous armies; and their repugnance to ſubordination, with their attachment to rural pleaſures, made the life of the camp or garriſon, if perpetuated during peaceful times, extremely odious and diſguſtful to them. They ſeized, therefore, ſuch a portion of the conquered lands as appeared neceſſary; they aſſigned a ſhare for ſupporting the dignity of their prince and government; they diſtributed other parts, under the title of fiefs, to the chiefs; theſe made a new partition among their retainers. The expreſs condition of all theſe grants was that they might be reſumed at pleaſure, and that the poſſeſſor, ſo long as he enjoyed them, ſhould ſtill remain in readineſs to take the field for the defence of the nation. And, though the conquerors immediately ſeparated, in order to enjoy their new acquiſitions, their martial diſpoſition made them readily fulfil the terms of their engagement; they aſſembled on the firſt alarm; their habitual attachment to the chieftain made them willingly ſubmit to his command: and thus a regular military force, though concealed, was always ready to defend, on any emergence, the intereſt and honour of the community.

We are not to imagine that all the conquered lands were ſeized by the northern conquerors, or that the whole of the land thus ſeized was ſubjected to thoſe military ſervices. This ſup-

poſition is confuted by the hiſtory of all the nations on the continent. Even the idea given us of the German manners by the Roman hiſtorian may convice us that that bold people would never have been content with ſo precarious a ſubſiſtence, or have fought to procure eſtabliſhments which were only to continue during the good pleaſure of their ſovereign. Though the northern chieftains accepted of lands which, being conſidered as a kind of military pay, might be reſumed at the will of the king or general, they alſo took poſſeſſion of eſtates which, being hereditary and independent, enabled them to maintain their native liberty, and ſupport, without court favour, the honour of their rank and family.

PROGRESS OF THE FEUDAL LAW.

But there is a great difference, in the conſequences, between the diſtribution of a pecuniary ſubſiſtence, and the aſſignment of lands burdened with the condition of military ſervice. The delivery of the former, at the weekly, monthly, or annual, terms of payment, ſtill recalls the idea of a voluntary gratuity from the prince, and reminds the ſoldier of the precarious tenure by which he holds his commiſſion. But the attachment, naturally formed with a fixed portion of land, gradually begets the idea of ſomething like property, and makes the poſſeſſor forget his dependent ſituation, and the condition which was at firſt annexed to the grant. It ſeemed equitable that one who had cultivated and ſowed a field ſhould reap the harveſt: hence fiefs, which were at firſt entirely precarious, were ſoon made annual. A man who had employed his money in building, planting, or other improvements, expected to reap the fruits of his labour or expenſe: hence they were next granted during a term of years. It would be thought hard to expel a man from his poſ-

ſeſſions who had always done his duty, and performed the conditions on which he originally received them: hence the chieftains, in a ſubſequent period, thought themſelves entitled to demand the enjoyment of their feudal lands during life. It was found that a man would more willingly expoſe himſelf in battle, if aſſured that his family ſhould inherit his poſſeſſions, and ſhould not be left by his death in want and poverty: hence fiefs were made hereditary in families, and deſcended, during one age, to the ſon, then to the grandſon, next to the brothers, and afterwards to more diſtant relations.[h] The idea of property ſtole in gradually upon that of military pay; and each century made ſome ſenſible addition to the ſtability of fiefs and tenures.

In all theſe ſucceſſive acquiſitions the chief was ſupported by his vaſſals; who, having originally a ſtrong connexion with him, augmented by the conſtant intercourſe of good offices, and by the friendſhip ariſing from vicinity and dependance, were inclined to follow their leader againſt all his enemies; and voluntarily, in his private quarrels, paid him the ſame obedience to which, by their tenure, they were bound in foreign wars. While he daily advanced new pretenſions to ſecure the poſſeſſion of his ſuperior fief, they expected to find the ſame advantage in acquiring ſtability to their ſubordinate ones; and they zealouſly oppoſed the intruſion of a new lord, who would be inclined, as he was fully entitled, to beſtow the poſſeſſion of their lands on his own favourites and retainers. Thus the authority of the ſovereign gradually decayed; and each noble, fortified in his own territory by the attachment of his vaſſals, became too powerful to be expelled by an order from the throne; and he ſecured by law what he had at firſt acquired by uſurpation.

During this precarious ſtate of the ſupreme power, a difference would immediately be experienced between thoſe portions of territory which were ſubjected to the feudal tenures, and

thoſe which were poſſeſſed by an allodial or free title. Though the latter poſſeſſions had at firſt been eſteemed much preferable, they were ſoon found, by the progreſſive changes introduced into public and private law, to be of an inferior condition to the former. The poſſeſſors of a feudal territory, united by a regular ſubordination under one chief, and by the mutual attachments of the vaſſals, had the ſame advantages over the proprietors of the other that a diſciplined army enjoys over a diſperſed multitude, and were enabled to commit with impunity all injuries on their defenceleſs neighbours. Every one, therefore, haſtened to ſeek that protection which he found ſo neceſſary: and each allodial proprietor, reſigning his poſſeſſions into the hands of the king, or of ſome nobleman reſpected for power or valour, received them back with the condition of feudal ſervices;[1] which, though a burden ſomewhat grievous, brought him ample compenſation, by connecting him with the neighbouring proprietors, and placing him under the guardianſhip of a potent chieftain. The decay of the political government thus neceſſarily occaſioned the extenſion of the feudal. The kingdoms of Europe were univerſally divided into baronies, and theſe into inferior fiefs: and the attachment of vaſſals to their chief, which was at firſt an eſſential part of the German manners, was ſtill ſupported by the ſame cauſes from which it at firſt aroſe; the neceſſity of mutual protection, and the continued intercourſe, between the head and the members, of benefits and ſervices.

But there was another circumſtance which corroborated theſe feudal dependencies, and tended to connect the vaſſals with their ſuperior lord by an indiſſoluble bond of union. The northern conquerors, as well as the more early Greeks and Romans, embraced a policy which is unavoidable to all nations that have made ſlender advances in refinement; they every where united the civil juriſdiction with the military power. Law, in its com-

mencement, was not an intricate ſcience, and was more governed by maxims of equity, which ſeem obvious to common ſenſe, than by numerous and ſubtile principles applied to a variety of caſes by profound reaſonings from analogy. An officer, though he had paſſed his life in the field, was able to determine all legal controverſies which could occur within the diſtrict committed to his charge; and his deciſions were the moſt likely to meet with a prompt and ready obedience from men who reſpected his perſon, and were accuſtomed to act under his command. The profit ariſing from puniſhments, which were then chiefly pecuniary, was another reaſon for his deſiring to retain the judicial power; and, when his fief became hereditary, this authority, which was eſſential to it, was alſo tranſmitted to his poſterity. The counts and other magiſtrates, whoſe power was merely official, were tempted, in imitation of the feudal lords, whom they reſembled in ſo many particulars, to render their dignity perpetual and hereditary; and in the decline of the regal power they found no difficulty in making good their pretenſions. After this manner the vaſt fabric of feudal ſubordination became quite ſolid and comprehenſive; it formed every where an eſſential part of the political conſtitution; and the Norman and other barons, who followed the fortunes of William, were ſo accuſtomed to it that they could ſcarcely form an idea of any other ſpecies of civil government.[k]

The Saxons who conquered England, as they exterminated the ancient inhabitants, and thought themſelves ſecured by the ſea againſt new invaders, found it leſs requiſite to maintain themſelves in a military poſture. The quantity of land which they annexed to offices ſeems to have been of ſmall value; and for that reaſon continued the longer in its original ſituation, and was always poſſeſſed during pleaſure by thoſe who were intruſted with the command. Theſe conditions were too precarious to

ſatisfy the Norman barons, who enjoyed more independent poſſeſſions and juriſdictions in their own country; and William was obliged, in the new diſtribution of land, to copy the tenures, which were now become univerſal on the continent. England of a ſudden became a feudal kingdom;[l] and received all the advantages, and was expoſed to all the inconveniences, incident to that ſpecies of civil polity.

FEUDAL GOVERNMENT OF ENGLAND.

According to the principles of the feudal law, the king was the ſupreme lord of the landed property: all poſſeſſors, who enjoyed the fruits or revenue of any part of it, held thoſe privileges, either mediately or immediately, of him; and their property was conceived to be, in ſome degree, conditional.[m] The land was ſtill apprehended to be a ſpecies of benefice, which was the original conception of a feudal property; and the vaſſal owed, in return for it, ſtated ſervices to his baron, as the baron himſelf did for his land to the crown. The vaſſal was obliged to defend his baron in war; and the baron, at the head of his vaſſals, was bound to fight in defence of the king and kingdom. But beſides theſe military ſervices, which were caſual, there were others impoſed of a civil nature, which were more conſtant and durable.

The northern nations had no idea that any man trained up to honour, and inured to arms, was ever to be governed, without his own conſent, by the abſolute will of another; or that the adminiſtration of juſtice was ever to be exerciſed by the private opinion of any one magiſtrate, without the concurrence of ſome other perſons, whoſe intereſt might induce them to check his arbitrary and iniquitous deciſions. The king, therefore, when he found it neceſſary to demand any ſervice of his

barons or chief tenants beyond what was due by their tenures, was obliged to aſſemble them, in order to obtain their conſent; and, when it was neceſſary to determine any controverſy which might ariſe among the barons themſelves, the queſtion muſt be diſcuſſed in their preſence, and be decided according to their opinion or advice. In theſe two circumſtances of conſent and advice conſiſted chiefly the civil ſervices of the ancient barons; and theſe implied all the conſiderable incidents of government. In one view, the barons regarded this attendance as their principal privilege; in another, as a grievous burden. That no momentous affairs could be tranſacted without their conſent and advice was in general eſteemed the great ſecurity of their poſſeſſions and dignities: but, as they reaped no immediate profit from their attendance at court, and were expoſed to great inconvenience and charge by an abſence from their own eſtates, every one was glad to exempt himſelf from each particular exertion of this power; and was pleaſed both that the call for that duty ſhould ſeldom return upon him, and that others ſhould undergo the burden in his ſtead. The king, on the other hand, was uſually anxious, for ſeveral reaſons, that the aſſembly of the barons ſhould be full at every ſtated or caſual meeting. This attendance was the chief badge of their ſubordination to his crown, and drew them from that independence which they were apt to affect in their own caſtles and manors; and, where the meeting was thin or ill attended, its determinations had leſs authority, and commanded not ſo ready an obedience from the whole community.

The caſe was the ſame with the barons in their courts as with the king in the ſupreme council of the nation. It was requiſite to aſſemble the vaſſals, in order to determine by their vote any queſtion which regarded the barony; and they ſat along with the chief in all trials, whether civil or criminal, which occurred

within the limits of their juriſdiction. They were bound to pay ſuit and ſervice at the court of their baron; and, as their tenure was military, and conſequently honourable, they were admitted into his ſociety, and partook of his friendſhip. Thus a kingdom was conſidered only as a great barony, and a barony as a ſmall kingdom. The barons were peers to each other in the national council, and, in ſome degree, companions to the king; the vaſſals were peers to each other in the court of barony, and companions to their baron.[n]

But, though this reſemblance ſo far took place, the vaſſals, by the natural courſe of things, univerſally, in the feudal conſtitutions, fell into a greater ſubordination under the baron than the baron himſelf under his ſovereign; and theſe governments had a neceſſary and infallible tendency to augment the power of the nobles. The great chief, reſiding in his country ſeat, which he was commonly allowed to fortify, loſt, in a great meaſure, his connexion or acquaintance with the prince; and added every day new force to his authority over the vaſſals of the barony. They received from him education in all military exerciſes; his hoſpitality invited them to live and enjoy ſociety in his hall; their leiſure, which was great, made them perpetual retainers on his perſon, and partakers of his country ſports and amuſements; they had no means of gratifying their ambition but by making a figure in his train; his favour and countenance was their greateſt honour; his diſpleaſure expoſed them to contempt and ignominy; and they felt every moment the neceſſity of his protection, both in the controverſies which occurred with other vaſſals, and, what was more material, in the daily inroads and injuries which were committed by the neighbouring barons. During the time of general war the ſovereign, who marched at the head of his armies, and was the great protector of the ſtate, always acquired ſome acceſſion to his authority, which he loſt

during the intervals of peace and tranquillity. But the looſe police, incident to the feudal conſtitutions, maintained a perpetual, though ſecret, hoſtility between the ſeveral members of the ſtate; and the vaſſals found no means of ſecuring themſelves againſt the injuries to which they were continually expoſed but by cloſely adhering to their chief, and falling into a ſubmiſſive dependance upon him.

If the feudal government was ſo little favourable to the true liberty even of the military vaſſal, it was ſtill more deſtructive of the independence and ſecurity of the other members of the ſtate, or what, in a proper ſenſe, we call the people. A great part of them were ſerfs, and lived in a ſtate of abſolute ſlavery or villanage. The other inhabitants of the country paid their rent in ſervices, which were in a great meaſure arbitrary; and they could expect no redreſs of injuries, in a court of barony, from men who thought they had a right to oppreſs and tyranniſe over them. The towns were ſituated either within the demeſnes of the king or the lands of the great barons, and were almoſt entirely ſubjected to the abſolute will of their maſter. The languiſhing ſtate of commerce kept the inhabitants poor and contemptible; and the political inſtitutions were calculated to render that poverty perpetual. The barons and gentry, living in ruſtic plenty and hoſpitality, gave no encouragement to the arts, and had no demand for any of the more elaborate manufactures. Every profeſſion was held in contempt but that of arms; and, if any merchant or manufacturer roſe by induſtry and frugality to a degree of opulence, he found himſelf but the more expoſed to injuries, from the envy and avidity of the military nobles.

Theſe concurring cauſes gave the feudal governments ſo ſtrong a bias towards ariſtocracy, that the royal authority was extremely eclipſed in all the European ſtates; and, inſtead of dreading the

growth of monarchical power, we might rather expect that the community would every where crumble into ſo many independent baronies, and loſe the political union by which they were cemented. In elective monarchies the event was commonly anſwerable to this expectation; and the barons, gaining ground on every vacancy of the throne, raiſed themſelves almoſt to a ſtate of ſovereignty, and ſacrificed to their power both the rights of the crown and the liberties of the people. But hereditary monarchies had a principle of authority which was not ſo eaſily ſubverted; and there were ſeveral cauſes which ſtill maintained a degree of influence in the hands of the ſovereign.

The greateſt baron could never loſe view entirely of thoſe principles of the feudal conſtitution which bound him, as a vaſſal, to ſubmiſſion and fealty towards his prince; becauſe he was every moment obliged to have recourſe to thoſe principles, in exacting fealty and ſubmiſſion from his own vaſſals. The leſſer barons, finding that the annihilation of royal authority left them expoſed, without protection, to the inſults and injuries of more potent neighbours, naturally adhered to the crown, and promoted the execution of general and equal laws. The people had ſtill a ſtronger intereſt to deſire the grandeur of the ſovereign; and the king, being the legal magiſtrate, who ſuffered by every internal convulſion or oppreſſion, and who regarded the great nobles as his immediate rivals, aſſumed the ſalutary office of general guardian or protector of the commons. Beſides the prerogatives with which the law inveſted him, his large demeſnes and numerous retainers rendered him, in one ſenſe, the greateſt baron in his kingdom; and, where he was poſſeſſed of perſonal vigour and abilities (for his ſituation required theſe advantages), he was commonly able to preſerve his authority, and maintain his ſtation, as head of the community and the chief fountain of law and juſtice.

The firſt kings of the Norman race were favoured by another circumſtance, which preſerved them from the encroachments of their barons. They were generals of a conquering army, which was obliged to continue in a military poſture, and to maintain great ſubordination under their leader, in order to ſecure themſelves from the revolt of the numerous natives, whom they had bereaved of all their properties and privileges. But, though this circumſtance ſupported the authority of William and his immediate ſucceſſors, and rendered them extremely abſolute, it was loſt as ſoon as the Norman barons began to incorporate with the nation, to acquire a ſecurity in their poſſeſſions, and to fix their influence over their vaſſals, tenants, and ſlaves. And the immenſe fortunes which the Conqueror had beſtowed on his chief captains ſerved to ſupport their independence, and make them formidable to the ſovereign.

He gave, for inſtance, to Hugh de Abrincis, his ſiſter's ſon, the whole county of Cheſter, which he erected into a palatinate, and rendered by his grant almoſt independent [o] of the crown. Robert earl of Mortaigne had nine hundred and ſeventy-three manors and lordſhips; Allan earl of Brittany and Richmond four hundred and forty-two; Odo biſhop of Baieux four hundred and thirty-nine; [p] Geoffrey biſhop of Coutance two hundred and eighty; [q] Walter Giffard earl of Buckingham one hundred and ſeven; William earl Warrenne two hundred and ninety-eight, beſides twenty-eight towns or hamlets in Yorkſhire; Todenei eighty-one; Roger Bigod one hundred and twenty-three; Robert earl of Eu one hundred and nineteen; Roger Mortimer one hundred and thirty-two, beſides ſeveral hamlets; Robert de Stafford one hundred and thirty; Walter de Eurus earl of Saliſbury forty-ſix; Geoffrey de Mandeville one hundred and eighteen; Richard de Clare one hundred and ſeventy-one; Hugh de Beauchamp forty-ſeven; Baldwin de Ridvers one hundred and ſixty-

four; Henry de Ferrars two hundred and twenty-two; William de Percy one hundred and nineteen;[r] Norman d'Arcy thirty-three.[s] Sir Henry Spelman computes that, in the large county of Norfolk, there were not, in the Conqueror's time, above ſixty-ſix proprietors of land.[t] Men, poſſeſſed of ſuch princely revenues and juriſdictions, could not long be retained in the rank of ſubjects. The great earl Warrenne, in a ſubſequent reign, when he was queſtioned concerning his right to the lands which he poſſeſſed, drew his ſword, which he produced as his title; adding that William the Baſtard did not conquer the kingdom himſelf; but that the barons, and his anceſtor among the reſt, were joint adventurers in the enterpriſe.[u]

THE FEUDAL PARLIAMENT.

The ſupreme legiſlative power of England was lodged in the king and great council, or what was afterwards called the parliament. It is not doubted but the archbiſhops, biſhops, and moſt conſiderable abbots, were conſtituent members of this council. They ſat by a double title: by preſcription, as having always poſſeſſed that privilege, through the whole Saxon period, from the firſt eſtabliſhment of Chriſtianity; and by their right of baronage, as holding of the king 'in capite' by military ſervice. Theſe two titles of the prelates were never accurately diſtinguiſhed. When the uſurpations of the church had riſen to ſuch a height as to make the biſhops affect a ſeparate dominion, and regard their ſeat in parliament as a degradation of their epiſcopal dignity, the king inſiſted that they were barons, and, on that account, obliged by the general principles of the feudal law to attend on him in his great councils.[x] Yet there ſtill remained ſome practices which ſuppoſed their title to be derived merely from ancient poſſeſſion; when a biſhop was elected he

ſat in parliament before the king had made him reſtitution of his temporalities; and, during the vacancy of a ſee, the guardian of the ſpiritualities was ſummoned to attend along with the biſhops.

The barons were another conſtituent part of the great council of the nation. Theſe held immediately of the crown by a military tenure; they were the moſt honourable members of the ſtate, and had a right to be conſulted in all public deliberations; they were the immediate vaſſals of the crown, and owed as a ſervice their attendance in the court of their ſupreme lord. A reſolution taken without their conſent was likely to be but ill executed; and no determination of any cauſe or controverſy among them had any validity where the vote and advice of the body did not concur. The dignity of earl or count was official and territorial, as well as hereditary; and, as all the earls were alſo barons, they were conſidered as military vaſſals of the crown, were admitted in that capacity into the general council, and formed the moſt honourable and powerful branch of it.

But there was another claſs of the immediate military tenants of the crown, no leſs, or probably more, numerous than the barons, the tenants 'in capite' by knight's ſervice; and theſe, however, inferior in power or property, held by a tenure which was equally honourable with that of the others. A barony was commonly compoſed of ſeveral knights' fees; and, though the number ſeems not to have been exactly defined, ſeldom conſiſted of leſs than fifty hides of land.[y] But, where a man held of the king only one or two knight's fees, he was ſtill an immediate vaſſal of the crown, and as ſuch had a title to have a ſeat in the general councils. But, as this attendance was uſually eſteemed a burden, and one too great for a man of ſlender fortune to bear conſtantly, it is probable that, though he had a title, if he pleaſed, to be admitted, he was not obliged, by any penalty,

like the barons, to pay a regular attendance. All the immediate military tenants of the crown amounted not fully to ſeven hundred when Domeſday book was framed; and, as the members were well pleaſed, on any pretext, to excuſe themſelves from attendance, the aſſembly was never likely to become too numerous for the diſpatch of public buſineſs.

THE COMMONS.

So far the nature of a general council, or ancient parliament, is determined without any doubt or controverſy. The only queſtion ſeems to be with regard to the commons, or the repreſentatives of counties and boroughs; whether they were alſo, in more early times, conſtituent parts of parliament? This queſtion was once diſputed in England with great acrimony: but ſuch is the force of time and evidence, that they can ſometimes prevail even over faction; and the queſtion ſeems, by general conſent, and even by their own, to be at laſt determined againſt the ruling party. It is agreed that the commons were no part of the great council till ſome ages after the conqueſt, and that the military tenants alone of the crown compoſed that ſupreme and legiſlative aſſembly.

The vaſſals of a baron were by their tenure immediately dependent on him, owed attendance at his court, and paid all their duty to the king through that dependance which their lord was obliged by his tenure to acknowledge to his ſovereign and ſuperior. Their land, comprehended in the barony, was repreſented in parliament by the baron himſelf, who was ſuppoſed, according to the fictions of the feudal law, to poſſeſs the direct property of it; and it would have been deemed incongruous to give it any other repreſentation. They ſtood in the ſame capacity to him that he and the other barons did to the king;

the former were peers of the barony, the latter were peers of the realm; the vaſſals poſſeſſed a ſubordinate rank within their diſtrict, the baron enjoyed a ſuperior dignity in the great aſſembly; they were in ſome degree his companions at home, he the king's companion at court. And nothing can be more evidently repugnant to all feudal ideas, and to that gradual ſubordination which was eſſential to thoſe ancient inſtitutions, than to imagine that the king would apply either for the advice or conſent of men, who were of a rank ſo much inferior, and whoſe duty was immediately paid to the meſne lord that was interpoſed between them and the throne.[z]

If it be unreaſonable to think that the vaſſals of a barony, though their tenure was military and noble and honourable, were ever ſummoned to give their opinion in national councils, much leſs can it be ſuppoſed that the tradeſmen or inhabitants of boroughs, whoſe condition was ſo much inferior, would be admitted to that privilege. It appears from Domeſday that the greateſt boroughs were, at the time of the conqueſt, ſcarcely more than country villages; and that the inhabitants lived in entire dependance on the king or great lords, and were of a ſtation little better than ſervile.[a] They were not then ſo much as incorporated; they formed no community; were not regarded as a body politic; and, being really nothing but a number of low dependent tradeſmen, living without any particular civil tie in neighbourhood together, they were incapable of being repreſented in the ſtates of the kingdom. Even in France, a country which made more early advances in arts and civility than in England, the firſt corporation is ſixty years poſterior to the conqueſt under the duke of Normandy; and the erecting of theſe communities was an invention of Lewis the Groſs, in order to free the people from ſlavery under the lords, and to give them protection by means of certain privileges and a ſepa-

rate juriſdiction.[b] An ancient French writer calls them a new and wicked device to procure liberty to ſlaves, and encourage them in ſhaking off the dominion of their maſters.[c] The famous charter, as it is called, of the Conqueror to the city of London, though granted at a time when he aſſumed the appearance of gentleneſs and lenity, is nothing but a letter of protection, and a declaration that the citizens [d] ſhould not be treated as ſlaves. By the Engliſh feudal law the ſuperior lord was prohibited from marrying his female ward to a burgeſs or a villain;[e] ſo near were theſe two ranks eſteemed to each other, and ſo much inferior to the nobility and gentry. Beſides poſſeſſing the advantages of birth, riches, civil powers, and privileges, the nobles and gentlemen alone were armed; a circumſtance which gave them a mighty ſuperiority in an age when nothing but the military profeſſion was honourable, and when the looſe execution of laws gave ſo much encouragement to open violence, and rendered it ſo deciſive in all diſputes and controverſies.[f]

The great ſimilarity among the feudal governments of Europe is well known to every man that has any acquaintance with ancient hiſtory; and the antiquaries of all foreign countries, where the queſtion was never embarraſſed by party diſputes, have allowed that the commons came very late to be admitted to a ſhare in the legiſlative power. In Normandy particularly, whoſe conſtitution was moſt likely to be William's model in raiſing his new fabric of Engliſh government, the ſtates were entirely compoſed of the clergy and nobility; and the firſt incorporated boroughs or communities of that duchy were Rouen and Falaiſe, which enjoyed their privileges by a grant of Philip Auguſtus in the year 1207.[g] All the ancient Engliſh hiſtorians, when they mention the great council of the nation, call it an aſſembly of the baronage, nobility, or great men; and none of their expreſſions, though ſeveral hundred paſſages might be produced, can,

without the utmoſt violence, be tortured to a meaning which will admit the commons to be conſtituent members of that body.[h] If in the long period of two hundred years, which elapſed between the conqueſt and the latter end of Henry III, and which abounded in factions, revolutions, and convulſions of all kinds, the houſe of commons never performed one ſingle legiſlative act ſo conſiderable as to be once mentioned by any of the numerous hiſtorians of that age, they muſt have been totally inſignificant; and in that caſe what reaſon can be aſſigned for their ever being aſſembled? Can it be ſuppoſed that men of ſo little weight or importance poſſeſſed a negative voice againſt the king and the barons? Every page of the ſubſequent hiſtories diſcovers their exiſtence; though theſe hiſtories are not written with greater accuracy than the preceding ones, and indeed ſcarcely equal them in that particular. The Magna Charta of king John provides that no ſcutage or aid ſhould be impoſed, either on the land or towns, but by conſent of the great council; and, for more ſecurity, it enumerates the perſons entitled to a ſeat in that aſſembly, the prelates and immediate tenants of the crown, without any mention of the commons: an authority ſo full, certain, and explicit, that nothing but the zeal of party could ever have procured credit to any contrary hypotheſis.

It was probably the example of the French barons which firſt emboldened the Engliſh to require greater independence from their ſovereign: it is alſo probable that the boroughs and corporations of England were eſtabliſhed in imitation of thoſe of France. It may, therefore, be propoſed as no unlikely conjecture, that both the chief privileges of the peers in England and the liberty of the commons were originally the growth of that foreign country.

In ancient times men were little ſolicitous to obtain a place in the legiſlative aſſemblies; and rather regarded their attendance

as a burden, which was not compenſated by any return of profit or honour proportionate to the trouble and expenſe. The only reaſon for inſtituting thoſe public councils was, on the part of the ſubject, that they deſired ſome ſecurity from the attempts of arbitrary power; and, on the part of the ſovereign, that he deſpaired of governing men of ſuch independent ſpirits without their own conſent and concurrence. But the commons, or the inhabitants of boroughs, had not as yet reached ſuch a degree of conſideration as to deſire ſecurity againſt their prince, or to imagine that, even if they were aſſembled in a repreſentative body, they had power or rank ſufficient to enforce it. The only protection which they aſpired to was againſt the immediate violence and injuſtice of their fellow citizens; and this advantage each of them looked for from the courts of juſtice, or from the authority of ſome great lord, to whom, by law or his own choice, he was attached. On the other hand, the ſovereign was ſufficiently aſſured of obedience in the whole community, if he procured the concurrence of the nobles; nor had he reaſon to apprehend that any order of the ſtate could reſiſt his and their united authority. The military ſub-vaſſals could entertain no idea of oppoſing both their prince and their ſuperiors; the burgeſſes and tradeſmen could much leſs aſpire to ſuch a thought; and thus, even if hiſtory were ſilent on the head, we have reaſon to conclude, from the known ſituation of ſociety during thoſe ages, that the commons were never admitted as members of the legiſlative body.

The executive power of the Anglo Norman government was lodged in the king. Beſides the ſtated meetings of the national council at the three great feſtivals of Chriſtmas, Eaſter, and Whitſuntide,[1] he was accuſtomed, on any ſudden exigence, to ſummon them together. He could at his pleaſure command the attendance of his barons and their vaſſals, in which conſiſted the mi-

litary force of the kingdom; and could employ them, during forty days, either in reſiſting a foreign enemy or reducing his rebellious ſubjects; and, what was of great importance, the whole judicial power was ultimately in his hands, and was exerciſed by officers and miniſters of his appointment.

JUDICIAL POWER.

THE general plan of the Anglo Norman government was, that the court of barony was appointed to decide ſuch controverſies as aroſe between the ſeveral vaſſals or ſubjects of the ſame barony; the hundred court and county court, which were ſtill continued as during the Saxon times,[k] to judge between the ſubjects of different baronies;[l] and the Cura Regis, or king's court, to give ſentence among the barons themſelves.[m] But this plan, though ſimple, was attended with ſome circumſtances which, being derived from a very extenſive authority aſſumed by the Conqueror, contributed to increaſe the royal prerogative; and, as long as the ſtate was not diſturbed by arms, reduced every order of the community to ſome degree of dependance and ſubordination.

The king himſelf often ſat in his court, which always attended his perſon;[n] he there heard cauſes and pronounced [o] judgment; and, though he was aſſiſted by the advice of the other members, it is not to be imagined that a deciſion could eaſily be obtained contrary to his inclination or opinion. In his abſence the chief juſticiary preſided, who was the firſt magiſtrate in the ſtate, and a kind of viceroy, on whom depended all the civil affairs of the kingdom.[p] The other chief officers of the crown, the conſtable, mareſchal, ſeneſchal, chamberlain, treaſurer, and chancellor,[q] were members, together with ſuch feudal barons as thought proper to attend, and the barons of the Exchequer, who at firſt were

alſo feudal barons appointed by the king.[r] This court, which was ſometimes called the king's court, ſometimes the court of Exchequer, judged in all cauſes, civil and criminal, and comprehended the whole buſineſs which is now ſhared out among four courts, the Chancery, the King's Bench, the Common Pleas, and the Exchequer.[s]

Such an accumulation of powers was itſelf a great ſource of authority, and rendered the juriſdiction of the court formidable to all the ſubjects; but the turn which judicial trials took ſoon after the conqueſt ſerved ſtill more to increaſe its authority, and to augment the royal prerogatives. William, among the other violent changes which he attempted and effected, had introduced the Norman law into England;[t] had ordered all the pleadings to be in that tongue; and had interwoven, with the Engliſh juriſprudence, all the maxims and principles which the Normans, more advanced in cultivation, and naturally litigious, were accuſtomed to obſerve in the diſtribution of juſtice. Law now became a ſcience, which at firſt fell entirely into the hands of the Normans; and which, even after it was communicated to the Engliſh, required ſo much ſtudy and application that the laity, in thoſe ignorant ages, were incapable of attaining it; and it was a myſtery almoſt ſolely confined to the clergy, and chiefly to the monks.[u] The great officers of the crown, and the feudal barons, who were military men, found themſelves unfit to penetrate into thoſe obſcurities; and, though they were entitled to a ſeat in the ſupreme judicature, the buſineſs of the court was wholly managed by the chief juſticiary and the law barons, who were men appointed by the king,[x] and entirely at his diſpoſal. This natural courſe of things was forwarded by the multiplicity of buſineſs which flowed into that court, and which daily augmented by the appeals from all the ſubordinate judicatures of the kingdom.

In the Saxon times no appeal was received in the king's court, except upon the denial or delay of juſtice by the inferior courts; and the ſame practice was ſtill obſerved in moſt of the feudal kingdoms of Europe. But the great power of the Conqueror eſtabliſhed at firſt in England an authority, which the monarchs in France were not able to attain till the reign of St. Lewis, who lived near two centuries after. He empowered his court to receive appeals both from the courts of barony and the county courts, and by that means brought the adminiſtration of juſtice ultimately into the hands of the ſovereign.[y] And, leſt the expenſe or trouble of a journey to court ſhould diſcourage ſuitors, and make them acquieſce in the deciſion of the inferior judicatures, itinerant judges were afterwards eſtabliſhed, who made their circuits throughout the kingdom, and tried all cauſes that were brought before them.[z] By this expedient the courts of barony were kept in awe; and, if they ſtill preſerved ſome influence, it was only from the apprehenſions which the vaſſals might entertain of diſobliging their ſuperior, by appealing from his juriſdiction. But the county courts were much diſcredited; and, as the freeholders were found ignorant of the intricate principles and forms of the new law, the lawyers gradually brought all buſineſs before the king's judges, and abandoned the ancient ſimple and popular judicature. After this manner the formalities of juſtice (which, though they appear tedious and cumberſome, are found requiſite to the ſupport of liberty in all monarchical governments) proved at firſt, by a combination of cauſes, very advantageous to royal authority in England.

REVENUE OF THE CROWN.

The power of the Norman kings was alſo much ſupported by a great revenue; and by a revenue that was fixed, perpetual,

and independent of the ſubject. The people, without betaking themſelves to arms, had no check upon the king, and no regular ſecurity for the due adminiſtration of juſtice. In thoſe days of violence many inſtances of oppreſſion paſſed unheeded, and ſoon after were openly pleaded as precedents which it was unlawful to diſpute or control. Princes and miniſters were too ignorant to be themſelves ſenſible of the advantages attending an equitable adminiſtration; and there was no eſtabliſhed council or aſſembly which could protect the people, and, by withdrawing ſupplies, regularly and peaceably admoniſh the king of his duty, and enſure the execution of the laws.

The firſt branch of the king's ſtated revenue was the royal demeſnes or crown lands, which were very extenſive, and comprehended, beſide a great number of manors, moſt of the chief cities of the kingdom. It was eſtabliſhed by law that the king could alienate no part of his demeſne, and that he himſelf or his ſucceſſor could at any time reſume ſuch donations;[a] but this law was never regularly obſerved, which happily rendered in time the crown ſomewhat more dependent. The rent of the crown lands, conſidered merely as ſo much riches, was a ſource of power; the influence of the king over his tenants and the inhabitants of his towns increaſed this power; but the other numerous branches of his revenue, beſides ſupplying his treaſury, gave, by their very nature, a great latitude to arbitrary authority, and were a ſupport of the prerogative, as will appear from an enumeration of them.

The king was never content with the ſtated rents, but levied heavy tallages at pleaſure on the inhabitants both of town and country, who lived within his demeſne. All bargains of ſale, in order to prevent theft, being prohibited, except in boroughs and public markets,[b] he pretended to exact tolls on all goods which were there ſold.[c] He ſeized two hogſheads, one before

and one behind the maſt, from every veſſel that imported wine. All goods paid to his cuſtoms a proportional part [d] of their value. Paſſage over bridges and on rivers was loaded with tolls at pleaſure: [e] and, though the boroughs by degrees bought the liberty of farming theſe impoſitions, yet the revenue profited by theſe bargains; new ſums were often exacted for the renewal and confirmation of their charters, [f] and the people were thus held in perpetual dependance.

Such was the ſituation of the inhabitants within the royal demeſnes. But the poſſeſſors of land, or the military tenants, though they were better protected both by law and by the great privilege of carrying arms, were, from the nature of their tenures, much expoſed to the inroads of power, and poſſeſſed not what we ſhould eſteem in our age a very durable ſecurity. The Conqueror ordained that the barons ſhould be obliged to pay nothing beyond their ſtated ſervices, [g] except a reaſonable aid to ranſom his perſon if he were taken in war, to make his eldeſt ſon a knight, and to marry his eldeſt daughter. What ſhould on theſe occaſions be deemed a reaſonable aid was not determined, and the demands of the crown were ſo far diſcretionary.

The king could require in war the perſonal attendance of his vaſſals; that is, of almoſt all the landed proprietors; and, if they declined the ſervice, they were obliged to pay him a compoſition in money, which was called a ſcutage. The ſum was, during ſome reigns, precarious and uncertain; it was ſometimes levied without allowing the vaſſal the liberty of perſonal ſervice; [h] and it was a uſual artifice of the king's to pretend an expedition, that he might be entitled to levy the ſcutage from his military tenants. Danegelt was another ſpecies of land-tax, levied by the early Norman kings arbitrarily, and contrary to the laws of the Conqueror. [i] Moneyage was alſo a general land-tax of the ſame nature, levied by the two firſt Norman kings, and aboliſhed

by the charter of Henry I.[k] It was a ſhilling paid every three years by each hearth, to induce the king not to uſe his prerogative in debaſing the coin. Indeed it appears from that charter that, though the Conqueror had granted his military tenants an immunity from all taxes and tallages, he and his ſon William had never thought themſelves bound to obſerve that rule, but had levied impoſitions at pleaſure on all the landed eſtates of the kingdom. The utmoſt that Henry grants is, that the land cultivated by the military tenant himſelf ſhall not be ſo burdened; but he reſerves the power of taxing the farmers. And, as it is known that Henry's charter was never obſerved in any one article, we may be aſſured that this prince and his ſucceſſors retracted even this ſmall indulgence, and levied arbitrary impoſitions on all the lands of all their ſubjects. Theſe taxes were ſometimes very heavy; ſince Malmeſbury tells us that in the reign of William Rufus the farmers, on account of them, abandoned tillage, and a famine enſued.[l]

The eſcheats were a great branch both of power and of revenue, eſpecially during the firſt reigns after the conqueſt. In default of poſterity from the firſt baron, his land reverted to the crown, and continually augmented the king's poſſeſſions. The prince had indeed by law a power of alienating theſe eſcheats; but by this means he had an opportunity of eſtabliſhing the fortunes of his friends and ſervants, and thereby enlarging his authority. Sometimes he retained them in his own hands; and they were gradually confounded with the royal demeſnes, and became difficult to be diſtinguiſhed from them. This confuſion is probably the reaſon why the king acquired the right of alienating his demeſnes.

But, beſides eſcheats from default of heirs, thoſe which enſued from crimes or breach of duty towards the ſuperior lord were frequent in ancient times. If the vaſſal, being thrice ſum-

moned to attend his ſuperior's court and do fealty, neglected or refuſed obedience, he forfeited all title to his land.[m] If he denied his tenure, or refuſed his ſervice, he was expoſed to the ſame penalty.[n] If he ſold his eſtate without licenſe from his lord,[o] or if he ſold it upon any other tenure or title than that by which he himſelf held it,[p] he loſt all right to it. The adhering to his lord's enemies,[q] deſerting him in war,[r] betraying his ſecrets,[s] debauching his wife or his near relations,[t] or even uſing indecent freedoms with them,[u] might be puniſhed by forfeiture. The higher crimes, rapes, robbery, murder, arſon, &c. were called felony; and, being interpreted want of fidelity to his lord, made him loſe his fief.[w] Even where the felon was vaſſal to a baron, though his immediate lord enjoyed the forfeiture, the king might retain poſſeſſion of his eſtate during a twelvemonth, and had the right of ſpoiling and deſtroying it, unleſs the baron paid him a reaſonable compoſition.[x] We have not here enumerated all the ſpecies of felonies, or of crimes by which forfeiture was incurred; we have ſaid enough to prove that the poſſeſſion of feudal property was anciently ſomewhat precarious, and that the primary idea was never loſt, of its being a kind of fee or benefice.

When a baron died, the king immediately took poſſeſſion of the eſtate; and the heir, before he recovered his right, was obliged to make application to the crown, and deſire that he might be admitted to do homage for his land, and pay a compoſition to the king. This compoſition was not at firſt fixed by law, at leaſt by practice; the king was often exorbitant in his demands, and kept poſſeſſion of the land till they were complied with.

If the heir were a minor, the king retained the whole profit of the eſtate till his majority; and might grant what ſum he thought proper for the education and maintenance of the young

baron. This practice was alſo founded on the notion that a fief was a benefice, and that, while the heir could not perform his military ſervices, the revenue devolved to the ſuperior, who employed another in his ſtead. It is obvious that a great proportion of the landed property muſt, by means of this device, be continually in the hands of the prince, and that all the noble families were thereby held in perpetual dependance. When the king granted the wardſhip of a rich heir to any one, he had the opportunity of enriching a favourite or miniſter; if he ſold it, he thereby levied a conſiderable ſum of money. Simon de Mountfort paid Henry III ten thouſand marks (an immenſe ſum in thoſe days) for the wardſhip of Gilbert de Umfreville.[y] Geoffrey de Mandeville paid to the ſame prince the ſum of twenty thouſand marks, that he might marry Iſabel counteſs of Gloceſter, and poſſeſs all her lands and knight's fees. This ſum would be equivalent to three hundred thouſand, perhaps four hundred thouſand, pounds in our time.[z]

If the heir were a female, the king was entitled to offer her any huſband of her rank he thought proper; and, if ſhe refuſed him, ſhe forfeited her land. Even a male heir could not marry without the royal conſent: and it was uſual for men to pay large ſums for the liberty of making their own choice [a] in marriage. No man could diſpoſe of his land, either by ſale or will, without the conſent of his ſuperior. The poſſeſſor was never conſidered as full proprietor; he was ſtill a kind of beneficiary, and could not oblige his ſuperior to accept of any vaſſal that was not agreeable to him.

Fines, amerciaments, and oblatas, as they were called, were another conſiderable branch of the royal power and revenue. The ancient records of the exchequer, which are ſtill preſerved, give ſurpriſing accounts of the numerous fines and amerciaments levied in thoſe days,[b] and of the ſtrange inventions fallen upon

to exact money from the ſubject. It appears that the ancient kings of England put themſelves entirely on the foot of the barbarous eaſtern princes, whom no man muſt approach without a preſent, who ſell all their good offices, and who intrude themſelves into every buſineſs that they may have a pretence for extorting money. Even juſtice was avowedly bought and ſold. The king's court itſelf, though the ſupreme judicature of the kingdom, was open to none that brought not preſents to the king. The bribes given for the expedition, delay,[e] ſuſpenſion, and, doubtleſs, for the perverſion, of juſtice were entered in the public regiſters of the royal revenue, and remain as monuments of the perpetual iniquity and tyranny of the times. The barons of the exchequer, for inſtance, the firſt nobility of the kingdom, were not aſhamed to inſert, as an article in their records, that the county of Norfolk paid a ſum that they might be fairly dealt with;[d] the borough of Yarmouth, that the king's charters, which they have for their liberties, might not be violated;[e] Richard, ſon of Gilbert, for the king's helping him to recover his debt from the Jews;[f] Serlo, ſon of Terlavaſton, that he might be permitted to make his defence in caſe he were accuſed of a certain homicide;[g] Walter de Burton, for free law if accuſed of wounding another;[h] Robert de Eſſart, for having an inqueſt to find whether Roger the butcher, and Wace and Humphrey, accuſed him of robbery and theft out of envy and ill-will, or not;[i] William Buhurſt, for having an inqueſt to find whether he were accuſed of the death of one Godwin out of ill-will, or for juſt cauſe.[k] I have ſelected theſe few inſtances from a great number of a like kind, which Madox had ſelected from a ſtill greater number preſerved in the ancient rolls of the exchequer.[l]

Sometimes the party litigant offered the king a certain portion, (a half, a third, a fourth) payable out of the debts which

he, as the executor of juſtice,[m] ſhould aſſiſt him in recovering. Theophania de Weſtland agreed to pay the half of two hundred and twelve marks, that ſhe might recover that ſum againſt James de Fughleſton;[n] Solomon the Jew engaged to pay one mark out of every ſeven that he ſhould recover [o] againſt Hugh de la Hoſe; Nicholas Morrel promiſed to pay ſixty pounds, that the earl of Flanders might be diſtrained to pay him three hundred and forty-three pounds, which the earl had taken from him; and theſe ſixty pounds were to be paid out of the firſt money that Nicholas ſhould recover from the earl.[p]

As the king aſſumed the entire power over trade, he was to be paid for a permiſſion to exerciſe commerce or induſtry of any kind.[q] Hugh Oiſel paid four hundred marks for liberty to trade in England;[r] Nigel de Havene gave fifty marks for the partnerſhip in merchandiſe which he had with Gervaſe de Hanton;[s] the men of Worceſter paid one hundred ſhillings, that they might have the liberty of ſelling and buying died cloth as formerly;[t] ſeveral other towns paid for a like liberty.[u] The commerce indeed of the kingdom was ſo much under the control of the king, that he erected guilds, corporations, and monopolies, wherever he pleaſed; and levied ſums for theſe excluſive privileges.[w]

There were no profits ſo ſmall as to be below the king's attention. Henry, ſon of Arthur, gave ten dogs to have a recognition againſt the counteſs of Copland [x] for one knight's fee. Roger, ſon of Nicholas, gave twenty lampreys and twenty ſhads for an inqueſt to find whether Gilbert, ſon of Alured, gave to Roger two hundred muttons to obtain his confirmation for certain lands,[y] or whether Roger took them from him by violence; Geoffrey Fitz Pierre, the chief juſticiary, gave two good Norway hawks, that Walter le Madine might have leave to export a hundred weight of cheeſe out of the king's dominions.[z]

It is really amuſing to remark the ſtrange buſineſs in which the king ſometimes interfered, and never without a preſent. The wife of Hugh de Neville gave the king two hundred hens, that ſhe might lie with her huſband one night;[a] and ſhe brought with her two ſureties, who anſwered each for a hundred hens. It is probable that her huſband was a priſoner, which debarred her from having acceſs to him. The abbot of Rucford paid ten marks for leave to erect houſes and place men upon his land near Welhang, in order to ſecure his wood there from being ſtolen;[b] Hugh archdeacon of Wells gave one tun of wine for leave to carry ſix hundred ſums of corn [c] whither he would; Peter de Peraris gave twenty marks for leave to ſalt fiſhes as Peter Chevalier uſed to do.[d]

It was uſual to pay high fines, in order to gain the king's good-will or mitigate his anger. In the reign of Henry II, Gilbert, the ſon of Fergus, fines in nine hundred and nineteen pounds nine ſhillings to obtain that prince's favour; William de Chataignes a thouſand marks, that he would remit his diſpleaſure. In the reign of Henry III, the city of London fines in no leſs a ſum than twenty thouſand pounds on the ſame account.[e]

The king's protection and good offices of every kind were bought and ſold. Robert Griſlet paid twenty marks of ſilver, that the king would help him againſt the earl of Mortaigne in a certain plea;[f] Robert de Cundet gave thirty marks of ſilver, that the king would bring him to an accord with the biſhop of Lincoln;[g] Ralph de Breckham gave a hawk, that the king would protect him;[h] and this is a very frequent reaſon for payments; John, ſon of Ordgar, gave a Norway hawk to have the king's requeſt to the king of Norway to let him have his brother Godard's chattels;[i] Richard de Neville gave twenty palfreys to obtain the king's requeſt to Iſolda Biſſet, that ſhe ſhould take

him for a huſband;[k] Roger Fitz Walter gave three good palfreys to have the king's letter to Roger Bertram's mother, that ſhe ſhould marry him;[l] Eling, the dean, paid one hundred marks, that his whore and his children might be let out [m] upon bail; the biſhop of Wincheſter gave one tun of good wine for his not putting the king in mind to give a girdle to the counteſs of Albemarle;[n] Robert de Veaux gave five of the beſt palfreys, that the king would hold his tongue [o] about Henry Pinel's wife. There are, in the records of exchequer, many other ſingular inſtances of a like nature.[p] It will, however, be juſt to remark that the ſame ridiculous practices and dangerous abuſes prevailed in Normandy, and probably in all the other ſtates of Europe;[q] England was not, in this reſpect, more barbarous than its neighbours.

Theſe iniquitous practices of the Norman kings were ſo well known, that on the death of Hugh Bigod, in the reign of Henry II, the beſt and moſt juſt of theſe princes, the eldeſt ſon and the widow of this nobleman came to court, and ſtrove, by offering large preſents to the king, each of them to acquire poſſeſſion of that rich inheritance. The king was ſo equitable as to order the cauſe to be tried by the great council! But in the mean time he ſeized all the money and treaſure[r] of the deceaſed. Peter of Blois, a judicious and even an elegant writer for that age, gives a pathetic deſcription of the venality of juſtice, and the oppreſſions of the poor under the reign of Henry; and he ſcruples not to complain to the king himſelf of theſe abuſes.[s] We may judge what the caſe would be under the government of worſe princes. The articles of inquiry concerning the conduct of ſheriffs, which Henry promulgated in 1170, ſhew the great power, as well as the licentiouſneſs, of theſe officers.[t]

Amerciaments, or fines, for crimes and treſpaſſes were another conſiderable branch of the royal revenue.[u] Moſt crimes

were atoned for by money; the fines impoſed were not limited by any rule or ſtatute; and frequently occaſioned the total ruin of the perſon, even for the ſlighteſt treſpaſſes. The foreſt laws, particularly, were a great ſource of oppreſſion. The king poſſeſſed ſixty-eight foreſts, thirteen chaſes, and ſeven hundred and eighty-one parks, in different parts of England;[w] and, conſidering the extreme paſſion of the Engliſh and Normans for hunting, theſe were ſo many ſnares laid for the people, by which they were allured into treſpaſſes, and brought within the reach of arbitrary and rigorous laws, which the king had thought proper to enact by his own authority.

But the moſt barefaced acts of tyranny and oppreſſion were practiſed againſt the Jews, who were entirely out of the protection of law, were extremely odious from the bigotry of the people, and were abandoned to the immeaſurable rapacity of the king and his miniſters. Beſides many other indignities to which they were continually expoſed, it appears that they were once all thrown into priſon, and the ſum of ſixty-ſix thouſand marks exacted for their liberty:[x] at another time Iſaac the Jew paid alone five thouſand one hundred marks;[y] Brun, three thouſand marks;[z] Jurnet, two thouſand; Bennet, five hundred: at another, Licorica, widow of David the Jew of Oxford, was required to pay ſix thouſand marks; and ſhe was delivered over to ſix of the richeſt and diſcreeteſt Jews in England, who were to anſwer for the ſum.[a] Henry III, borrowed five thouſand marks from the earl of Cornwall; and for his repayment conſigned over to him all the Jews in England.[b] The revenue ariſing from exactions upon this nation was ſo conſiderable, that there was a particular court of exchequer ſet apart for managing it.[c]

COMMERCE.

We may judge concerning the low ſtate of commerce among the Engliſh, when the Jews, notwithſtanding theſe oppreſſions, could ſtill find their account in trading among them, and lending them money. And, as the improvements of agriculture were alſo much checked by the immenſe poſſeſſions of the nobility, by the diſorders of the times, and by the precarious ſtate of feudal property, it appears that induſtry of no kind could then have place in the kingdom.[d]

It is aſſerted by Sir Harry Spelman,[e] as an undoubted truth, that, during the reigns of the firſt Norman princes, every edict of the king, iſſued with the conſent of his privy council, had the full force of law. But the barons ſurely were not ſo paſſive as to intruſt a power, entirely arbitrary and deſpotic, into the hands of the ſovereign. It only appears that the conſtitution had not fixed any preciſe boundaries to the royal power; that the right of iſſuing proclamations on any emergence, and of exacting obedience to them, (a right which was always ſuppoſed inherent in the crown) is very difficult to be diſtinguiſhed from a legiſlative authority; that the extreme imperfection of the ancient laws, and the ſudden exigencies which often occurred in ſuch turbulent governments, obliged the prince to exert frequently the latent powers of his prerogative; that he naturally proceeded, from the acquieſcence of the people, to aſſume, in many particulars of moment, an authority from which he had excluded himſelf by expreſs ſtatutes, charters, or conceſſions, and which was, in the main, repugnant to the general genius of the conſtitution; and that the lives, the perſonal liberty, and the properties, of all his ſubjects were leſs ſecured by law againſt the exertion of his arbitrary authority than by the independent

power and private connexions of each individual. It appears, from the Great Charter itſelf, that not only John, a tyrannical prince, and Richard, a violent one, but their father Henry, under whoſe reign the prevalence of groſs abuſes is the leaſt to be ſuſpected, were accuſtomed, from their ſole authority, without proceſs of law, to impriſon, baniſh, and attaint, the freemen of their kingdom.

A great baron, in ancient times, conſidered himſelf as a kind of ſovereign within his territory; and was attended by courtiers and dependants, more zealouſly attached to him than the miniſters of ſtate and the great officers were commonly to their ſovereign. He often maintained in his court the parade of royalty, by eſtabliſhing a juſticiary, conſtable, mareſchal, chamberlain, ſeneſchal, and chancellor, and aſſigning to each of theſe officers a ſeparate province and command. He was uſually very aſſiduous in exerciſing his juriſdiction; and took ſuch delight in that image of ſovereignty, that it was found neceſſary to reſtrain his activity, and prohibit him by law from holding courts too frequently.[f] It is not to be doubted but the example ſet him by the prince, of a mercenary and ſordid extortion, would be faithfully copied; and that all his good and bad offices, his juſtice and injuſtice, were equally put to ſale. He had the power, with the king's conſent, to exact tallages even from the free citizens who lived within his barony; and, as his neceſſities made him rapacious, his authority was uſually found to be more oppreſſive and tyrannical than that of the ſovereign.[g] He was ever engaged in hereditary or perſonal animoſities or confederacies with his neighbours, and often gave protection to all deſperate adventurers and criminals who could be uſeful in ſerving his violent purpoſes. He was able alone, in times of tranquillity, to obſtruct the execution of juſtice within his territories; and, by combining with a few malcontent barons of high rank and

power, he could throw the ſtate into convulſions. And, on the whole, though the royal authority was confined within bounds, and often within very narrow ones, yet the check was irregular, and frequently the ſource of great diſorders; nor was it derived from the liberty of the people, but from the military power of many petty tyrants, who were equally dangerous to the prince and oppreſſive to the ſubject.

THE CHURCH.

THE power of the church was another rampart againſt royal authority; but this defence was alſo the cauſe of many miſchiefs and inconveniences. The dignified clergy perhaps were not ſo prone to immediate violence as the barons; but, as they pretended to a total independence on the ſtate, and could always cover themſelves with the appearances of religion, they proved, in one reſpect, an obſtruction to the ſettlement of the kingdom, and to the regular execution of the laws. The policy of the Conqueror was in this particular liable to ſome exception. He augmented the ſuperſtitious veneration for Rome, to which that age was ſo much inclined; and he broke thoſe bands of connexion which, in the Saxon times, had preſerved an union between the lay and the clerical orders. He prohibited the biſhops from ſitting in the county courts; he allowed eccleſiaſtical cauſes to be tried in ſpiritual courts only;[h] and he ſo much exalted the power of the clergy, that, of ſixty thouſand two hundred and fifteen knight's fees, into which he divided England, he placed no leſs than twenty-eight thouſand and fifteen under the church.[i]

CIVIL LAWS.

THE right of primogeniture was introduced with the feudal law: an inſtitution which is hurtful, by producing and maintaining an unequal diviſion of private property; but is advantageous in another reſpect, by accuſtoming the people to a preference in favour of the eldeſt ſon, and thereby preventing a partition or diſputed ſucceſſion in the monarchy. The Normans introduced the uſe of ſurnames, which tend to preſerve the knowledge of families and pedigrees. They aboliſhed none of the old abſurd methods of trial by the croſs or ordeal: and they added a new abſurdity, the trial by ſingle combat;[k] which became a regular part of juriſprudence, and was conducted with all the order, method, devotion, and ſolemnity,[l] imaginable. The ideas of chivalry alſo ſeem to have been imported by the Normans; no traces of thoſe fantaſtic notions are to be found among the plain and ruſtic Saxons.

MANNERS.

THE feudal inſtitutions, by raiſing the military tenants to a kind of ſovereign dignity, by rendering perſonal ſtrength and valour requiſite, and by making every knight and baron his own protector and avenger, begat that martial pride and ſenſe of honour, which, being cultivated and embelliſhed by the poets and romance writers of the age, ended in chivalry. The virtuous knight fought not only in his own quarrel, but in that of the innocent, of the helpleſs, and, above all, of the fair, whom he ſuppoſed to be for ever under the guardianſhip of his valiant arm. The uncourteous knight, who from his caſtle exerciſed robbery on travellers, and committed violence on virgins, was

the object of his perpetual indignation; and he put him to death, without ſcruple, or trial, or appeal, wherever he met with him. The great independence of men made perſonal honour and fidelity the chief tie among them; and rendered it the capital virtue of every true knight, or genuine profeſſor of chivalry. The ſolemnities of ſingle combat, as eſtabliſhed by law, baniſhed the notion of every thing unfair or unequal in rencounters; and maintained an appearance of courteſy between the combatants till the moment of their engagement. The credulity of the age grafted on this ſtock the notion of giants, enchanters, dragons, ſpells,[m] and a thouſand wonders, which ſtill multiplied during the times of the cruſades; when men, returning from ſo great a diſtance, uſed the liberty of impoſing every fiction on their believing audience. Theſe ideas of chivalry infected the writings, converſation, and behaviour, of men during ſome ages; and, even after they were in a great meaſure baniſhed by the revival of learning, they left modern gallantry and the point of honour, which ſtill maintain their influence, and are the genuine offspring of thoſe ancient affectations.

The conceſſion of the Great Charter, or rather its full eſtabliſhment, (for there was a conſiderable interval of time between the one and the other) gave riſe, by degrees, to a new ſpecies of government, and introduced ſome order and juſtice into the adminiſtration. The enſuing ſcenes of our hiſtory are, therefore, ſomewhat different from the preceding. Yet the Great Charter contained no eſtabliſhment of new courts, magiſtrates, or ſenates, nor abolition of the old: it introduced no new diſtribution of the powers of the commonwealth, and no innovation in the political or public law of the kingdom: it only guarded, and that merely by verbal clauſes, againſt ſuch tyrannical practices as are incompatible with civilized government; and, if

they become very frequent, are incompatible with all government. The barbarous licenſe of the kings, and perhaps of the nobles, was thenceforth ſomewhat more reſtrained; men acquired ſome more ſecurity for their properties and their liberties; and government approached a little nearer to that end for which it was originally inſtituted, the diſtribution of juſtice and the equal protection of the citizens. Acts of violence and iniquity in the crown, which before were only deemed injurious to individuals, and were hazardous chiefly in proportion to the number, power, and dignity, of the perſons affected by them, were now regarded, in ſome degree, as public injuries, and as infringements of a charter calculated for general ſecurity. And thus the eſtabliſhment of the Great Charter, without ſeeming anywiſe to innovate in the diſtribution of political power, became a kind of epoch in the conſtitution.

HENRY THE THIRD REPLYING TO THE PRELATES.

CHAP. XII.

HENRY THE THIRD.

SETTLEMENT OF THE GOVERNMENT: GENERAL PACIFICATION: DEATH OF THE PROTECTOR: COMMOTIONS: THE BISHOP OF WINCHESTER MINISTER: GRIEVANCES: EARL OF CORNWALL ELECTED KING OF THE ROMANS: PROVISIONS OF OXFORD: USURPATION OF THE BARONS: PRINCE EDWARD: CIVIL WARS OF THE BARONS: REFERENCE TO THE KING OF FRANCE: RENEWAL OF THE CIVIL WARS: BATTLE OF LEWES: HOUSE OF COMMONS: BATTLE OF EVESHAM AND DEATH OF LEICESTER: SETTLEMENT OF THE GOVERNMENT: DEATH AND CHARACTER OF THE KING: MISCELLANEOUS TRANSACTIONS OF THIS REIGN.

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CHAPTER XII.

HENRY III.

1216....1272.

SETTLEMENT OF THE GOVERNMENT....GENERAL PACIFICATION.... DEATH OF THE PROTECTOR AND COMMOTIONS....HUBERT DE BURGH DISPLACED....THE BISHOP OF WINCHESTER MINISTER.... KING'S PARTIALITY TO FOREIGNERS....GRIEVANCES....EARL OF CORNWALL ELECTED KING OF THE ROMANS....DISCONTENT OF THE BARONS....SIMON DE MOUNTFORT EARL OF LEICESTER ....PROVISIONS OF OXFORD....USURPATION OF THE BARONS.... PRINCE EDWARD....CIVIL WARS OF THE BARONS....REFERENCE TO THE KING OF FRANCE....RENEWAL OF THE CIVIL WARS.... BATTLE OF LEWES....HOUSE OF COMMONS....BATTLE OF EVESHAM AND DEATH OF LEICESTER....SETTLEMENT OF THE GOVERNMENT....DEATH AND CHARACTER OF THE KING....MISCELLANEOUS TRANSACTIONS OF THIS REIGN.

MOST ſciences, in proportion as they increaſe and improve, invent methods by which they facilitate their reaſonings; and, employing general theorems, are enabled to comprehend, in a few propoſitions, a great number of inferences and concluſions. Hiſtory alſo, being a collection of facts which are multiplying without end, is obliged to adopt ſuch arts of abridgment to retain the more material events, and to drop all the minute

circumſtances, which are only intereſting during the time, or to the perſons engaged in the tranſactions. This truth is no where more evident than with regard to the reign upon which we are going to enter. What mortal could have the patience to write or read a long detail of ſuch frivolous events as thoſe with which it is filled, or attend to a tedious narrative which would follow, through a ſeries of fifty-ſix years, the caprices and weakneſſes of ſo mean a prince as Henry? The chief reaſon why proteſtant writers have been ſo anxious to ſpread out the incidents of this reign is, in order to expoſe the rapacity, ambition, and artifices, of the court of Rome; and to prove that the great dignitaries of the catholic church, while they pretended to have nothing in view but the ſalvation of ſouls, had bent all their attention to the acquiſition of riches, and were reſtrained by no ſenſe of juſtice or of honour in the purſuit of that great object." But this concluſion would readily be allowed them, though it were not illuſtrated by ſuch a detail of unintereſting incidents; and follows, indeed, by an evident neceſſity, from the very ſituation in which that church was placed with regard to the reſt of Europe. For, beſides that eccleſiaſtical power, as it can always cover its operations under a cloak of ſanctity, and attacks men on the ſide where they dare not employ their reaſon, lies leſs under control than civil government; beſides this general cauſe, I ſay, the pope and his courtiers were foreigners to moſt of the churches which they governed; they could not poſſibly have any other object than to pillage the provinces for preſent gain; and, as they lived at a diſtance, they would be little awed by ſhame or remorſe in employing every lucrative expedient which was ſuggeſted to them. England, being one of the moſt remote provinces attached to the Romiſh hierarchy, as well as the moſt prone to ſuperſtition, felt ſeverely, during this reign, while its patience was not yet fully exhauſted, the influence of theſe

cauſes; and we ſhall often have occaſion to touch curſorily upon ſuch incidents. But we ſhall not attempt to comprehend every tranſaction tranſmitted to us; and till the end of the reign, when the events become more memorable, we ſhall not always obſerve an exact chronological order in our narration.

SETTLEMENT OF THE GOVERNMENT. 1216.

THE earl of Pembroke, who at the time of John's death was mareſchal of England, was by his office at the head of the armies, and conſequently, during a ſtate of civil wars and convulſions, at the head of the government; and it happened, fortunately for the young monarch and for the nation, that the power could not have been intruſted into more able and more faithful hands. This nobleman, who had maintained his loyalty unſhaken to John during the loweſt fortune of that monarch, determined to ſupport the authority of the infant prince; nor was he diſmayed at the number and violence of his enemies. Senſible that Henry, agreeably to the prejudices of the times, would not be deemed a ſovereign till crowned and anointed by a churchman, he immediately carried the young prince to Gloceſter, where the ceremony of coronation was performed, in the preſence of Gualo the legate and of a few noblemen, by the biſhops of Wincheſter and Bath. As the concurrence of the papal authority was requiſite to ſupport the tottering throne, Henry was obliged to ſwear fealty to the pope, and renew that homage to which his father had already ſubjected the kingdom.° And, in order to enlarge the authority of Pembroke, and to give him a more regular and legal title to it, a general council of the barons was ſoon after ſummoned at Briſtol, where that nobleman was choſen protector of the realm.

Pembroke, that he might reconcile all men to the government of his pupil, made him grant a new charter of liberties; which, though moſtly copied from the former conceſſions extorted from John, contains ſome alterations which may be deemed remarkable.[p] The full privilege of elections in the clergy, granted by the late king, was not confirmed, nor the liberty of going out of the kingdom without the royal conſent; whence we may conclude that Pembroke and the barons, jealous of the eccleſiaſtical power, both were deſirous of renewing the king's claim to iſſue a conge d'elire to the monks and chapters, and thought it requiſite to put ſome check to the frequent appeals to Rome. But what may chiefly ſurpriſe us is, that the obligation to which John had ſubjected himſelf, of obtaining the conſent of the great council before he levied any aids or ſcutages upon the nation, was omitted; and this article was even declared hard and ſevere, and was expreſsly left to future deliberation. But we muſt conſider that, though this limitation may perhaps appear to us the moſt momentous in the whole charter of John, it was not regarded in that light by the ancient barons, who were more jealous in guarding againſt particular acts of violence in the crown than againſt ſuch general impoſitions; which, unleſs they were evidently reaſonable and neceſſary, could ſcarcely, without general conſent, be levied upon men who had arms in their hands, and who could repel any act of oppreſſion by which they were all immediately affected. We accordingly find that Henry, in the courſe of his reign, while he gave frequent occaſions for complaint with regard to his violations of the Great Charter, never attempted, by his mere will, to levy any aids or ſcutages; though he was often reduced to great neceſſities, and was refuſed ſupply by his people. So much eaſier was it for him to tranſgreſs the law when individuals alone were affected, than even to exert his

acknowledged prerogatives where the intereſt of the whole body was concerned.

This charter was again confirmed by the king in the enſuing year, with the addition of ſome articles to prevent the oppreſſions by ſheriffs; and alſo with an additional charter of foreſts; a circumſtance of great moment in thoſe ages, when hunting was ſo much the occupation of the nobility, and when the king comprehended ſo conſiderable a part of the kingdom within his foreſts, which he governed by peculiar and arbitrary laws. All the foreſts which had been encloſed ſince the reign of Henry II were diſaforeſted, and new perambulations were appointed for that purpoſe. Offences in the foreſts were declared to be no longer capital; but puniſhable by fine, impriſonment, and more gentle penalties. And all the proprietors of land recovered the power of cutting and uſing their own wood at their pleaſure.

Thus theſe famous charters were brought nearly to the ſhape in which they have ever ſince ſtood; and they were, during many generations, the peculiar favourites of the Engliſh nation, and eſteemed the moſt ſacred rampart to national liberty and independence. As they ſecured the rights of all orders of men, they were anxiouſly defended by all; and became the baſis, in a manner, of the Engliſh monarchy, and a kind of original contract, which both limited the authority of the king and enſured the conditional allegiance of his ſubjects. Though often violated, they were ſtill claimed by the nobility and people; and, as no precedents were ſuppoſed valid that infringed them, they rather acquired than loſt authority from the frequent attempts made againſt them in ſeveral ages by regal and arbitrary power.

While Pembroke, by renewing and confirming the Great Charter, gave ſo much ſatisfaction and ſecurity to the nation in ge-

neral, he alſo applied himſelf ſucceſsfully to individuals. He wrote letters, in the king's name, to all the malcontent barons; in which he repreſented to them that, whatever jealouſy and animoſity they might have entertained againſt the late king, a young prince, the lineal heir of their ancient monarchs, had now ſucceeded to the throne, without ſucceeding either to the reſentments or principles of his predeceſſor: that the deſperate expedient which they had employed, of calling in a foreign potentate, had, happily for them as well as for the nation, failed of entire ſucceſs; and it was ſtill in their power, by a ſpeedy return to their duty, to reſtore the independence of the kingdom, and to ſecure that liberty for which they ſo zealouſly contended: that, as all paſt offences of the barons were now buried in oblivion, they ought, on their part, to forget their complaints againſt their late ſovereign, who, if he had been anywiſe blameable in his conduct, had left to his ſon the ſalutary warning to avoid the paths which had led to ſuch fatal extremities: and that, having now obtained a charter for their liberties, it was their intereſt to ſhew, by their conduct, that this acquiſition was not incompatible with their allegiance; and that the rights of king and people, ſo far from being hoſtile and oppoſite, might mutually ſupport and ſuſtain each other.[9]

Theſe conſiderations, enforced by the character of honour and conſtancy which Pembroke had ever maintained, had a mighty influence on the barons; and moſt of them began ſecretly to negociate with him, and many of them openly returned to their duty. The diffidence which Lewis diſcovered of their fidelity forwarded this general propenſion towards the king; and, when the French prince refuſed the government of the caſtle of Hertford to Robert Fitz Walter, who had been ſo active againſt the late king, and who claimed that fortreſs as his property, they plainly ſaw that the Engliſh were excluded from every truſt, and

that foreigners had engroſſed all the confidence and affection of their new ſovereign.[r] The excommunication, too, denounced by the legate againſt all the adherents of Lewis, failed not, in the turn which men's diſpoſitions had taken, to produce a mighty effect upon them; and they were eaſily perſuaded to conſider a cauſe as impious, for which they had already entertained an unſurmountable averſion.[s] Though Lewis made a journey to France, and brought over ſuccours from that kingdom,[t] he found, on his return, that his party was ſtill more weakened by the deſertion of his Engliſh confederates, and that the death of John had, contrary to his expectations, given an incurable wound to his cauſe. The earls of Saliſbury, Arundel, and Warrenne, together with William Mareſchal, eldeſt ſon of the protector, had embraced Henry's party; and every Engliſh nobleman was plainly watching for an opportunity of returning to his allegiance. Pembroke was ſo much ſtrengthened by theſe acceſſions that he ventured to inveſt Mount-ſorel; though, upon the approach of the count of Perche with the French army, he deſiſted from his enterpriſe, and raiſed the ſiege.[u] The count, elated with this ſucceſs, marched to Lincoln; and, being admitted into the town, he began to attack the caſtle, which he ſoon reduced to extremity. The protector ſummoned all his forces from every quarter, in order to relieve a place of ſuch importance; and he appeared ſo much ſuperior to the French, that they ſhut themſelves up within the city, and reſolved to act upon the defenſive.[w] But the garriſon of the caſtle, having received a ſtrong reinforcement, made a vigorous ſally upon the beſiegers; while the Engliſh army, by concert, aſſaulted them in the ſame inſtant from without, mounted the walls by ſcalade, and, bearing down all reſiſtance, entered the city ſword in hand. Lincoln was delivered over to be pillaged; the French army was totally routed; the count of Perche, with only two perſons more, was killed;

but many of the chief commanders, and about four hundred knights, were made priſoners by the Engliſh.[x] So little blood was ſhed in this important action, which decided the fate of one of the moſt powerful kingdoms in Europe; and ſuch wretched ſoldiers were thoſe ancient barons, who yet were unacquainted with every thing but arms!

Prince Lewis was informed of this fatal event while employed in the ſiege of Dover, which was ſtill valiantly defended againſt him by Hubert de Burgh. He immediately retreated to London, the centre and life of his party; and he there received intelligence of a new diſaſter, which put an end to all his hopes. A French fleet, bringing over a ſtrong reinforcement, had appeared on the coaſt of Kent, where they were attacked by the Engliſh under the command of Philip d'Albiney, and were routed with conſiderable loſs. D'Albiney employed a ſtratagem againſt them which is ſaid to have contributed to the victory. Having gained the wind of the French, he came down upon them with violence; and, throwing in their faces a great quantity of quick lime, which he purpoſely carried on board, he ſo blinded them that they were diſabled from defending themſelves.[y]

GENERAL PACIFICATION.

After this ſecond misfortune of the French the Engliſh barons haſtened every where to make peace with the protector, and, by an early ſubmiſſion, to prevent thoſe attainders to which they were expoſed on account of their rebellion. Lewis, whoſe cauſe was now totally deſperate, began to be anxious for the ſafety of his perſon, and was glad, on any honourable conditions, to make his eſcape from a country where he found every thing was now become hoſtile to him. He concluded a peace with Pembroke, promiſed to evacuate the kingdom, and only ſtipulated, in return,

an indemnity to his adherents, and a reſtitution of their honours and fortunes, together with the free and equal enjoyment of thoſe liberties which had been granted to the reſt of the nation.[z] Thus was happily ended a civil war, which ſeemed to be founded on the moſt incurable hatred and jealouſy, and had threatened the kingdom with the moſt fatal conſequences.

The precautions which the king of France uſed in the conduct of this whole affair are remarkable. He pretended that his ſon had accepted of the offer from the Engliſh barons without his advice, and contrary to his inclination. The armies ſent to England were levied in Lewis's name. When that prince came over to France for aid, his father publicly refuſed to grant him any aſſiſtance, and would not ſo much as admit him to his preſence. Even after Henry's party acquired the aſcendant, and Lewis was in danger of falling into the hands of his enemies, it was Blanche of Caſtile his wife, not the king his father, who raiſed armies and equipped fleets for his ſuccour.[a] All theſe artifices were employed; not to ſatisfy the pope, for he had too much penetration to be ſo eaſily impoſed on; nor yet to deceive the people, for they were too groſs even for that purpoſe; they only ſerved for a colouring to Philip's cauſe: and in public affairs men are often better pleaſed that the truth, though known to every body, ſhould be wrapped up under a decent cover, than if it were expoſed in open daylight to the eyes of all the world.

After the expulſion of the French, the prudence and equity of the protector's ſubſequent conduct contributed to cure entirely thoſe wounds which had been made by inteſtine diſcord. He received the rebellious barons into favour; obſerved ſtrictly the terms of peace which he had granted them; reſtored them to their poſſeſſions; and endeavoured, by an equal behaviour, to bury all paſt animoſities in perpetual oblivion. The clergy alone,

who had adhered to Lewis, were ſufferers in this revolution. As they had rebelled againſt their ſpiritual ſovereign, by diſregarding the interdict and excommunication, it was not in Pembroke's power to make any ſtipulations in their favour; and Gualo the legate prepared to take vengeance on them for their diſobedience.[b] Many of them were depoſed; many ſuſpended; ſome baniſhed; and all who eſcaped puniſhment made atonement for their offence by paying large ſums to the legate, who amaſſed an immenſe treaſure by this expedient.

DEATH OF THE PROTECTOR AND COMMOTIONS.

THE earl of Pembroke did not long ſurvive the pacification, which had been chiefly owing to his wiſdom and valour;[c] and he was ſucceeded in the government by Peter des Roches biſhop of Wincheſter, and Hubert de Burgh the juſticiary. The councils of the latter were chiefly followed; and, had he poſſeſſed equal authority in the kingdom with Pembroke, he ſeemed to be every way worthy of filling the place of that virtuous nobleman. But the licentious and powerful barons, who had once broken the reins of ſubjection to their prince, and had obtained by violence an enlargement of their liberties and independence, could ill be reſtrained by laws under a minority; and the people, no leſs than the king, ſuffered from their outrages and diſorders. They retained by force the royal caſtles which they had ſeized during the paſt convulſions, or which had been committed to their cuſtody by the protector;[d] they uſurped the king's demeſnes;[e] they oppreſſed their vaſſals; they infeſted their weaker neighbours; they invited all diſorderly people to enter in their retinue, and to live upon their lands; and they gave them protection in all their robberies and extortions.

No one was more infamous for theſe violent and illegal practices than the earl of Albemarle; who, though he had early returned to his duty, and had been ſerviceable in expelling the French, augmented to the utmoſt the general diſorder, and committed outrages in all the counties of the north. In order to reduce him to obedience, Hubert ſeized an opportunity of getting poſſeſſion of Rockingham caſtle, which Albemarle had garriſoned with his licentious retinue: but this nobleman, inſtead of ſubmitting, entered into a ſecret confederacy with Fawkes de Breaute, Peter de Mauleon, and other barons; and both fortified the caſtle of Biham for his defence, and made himſelf maſter, by ſurpriſe, of that of Fotheringay. Pandulf, who was reſtored to his legateſhip, was active in ſuppreſſing this rebellion; and, with the concurrence of eleven biſhops, he pronounced the ſentence of excommunication againſt Albemarle[f] and his adherents. An army was levied; a ſcutage of ten ſhillings, a knight's fee, was impoſed on all the military tenants; Albemarle's aſſociates gradually deſerted him; and he himſelf was obliged at laſt to ſue for mercy. He received a pardon, and was reſtored to his whole eſtate.

This impolitic lenity, too frequent in thoſe times, was probably the reſult of a ſecret combination among the barons, who never could endure to ſee the total ruin of one of their own order. But it encouraged Fawkes de Breaute, a man whom king John had raiſed from a low origin, to perſevere in the courſe of violence to which he had owed his fortune, and to ſet at nought all law and juſtice. When thirty-five verdicts were at one time found againſt him, on account of his violent expulſion of ſo many freeholders from their poſſeſſions, he came to the court of juſtice with an armed force, ſeized the judge who had pronounced the verdicts, and impriſoned him in Bedford caſtle. He then levied open war againſt the king: but, being ſubdued and

taken priſoner, his life was granted him; but his eſtate was confiſcated, and he was baniſhed the kingdom.[g]

Juſtice was executed with greater ſeverity againſt diſorders leſs premeditated, which broke out in London. A frivolous emulation in a match of wreſtling, between the Londoners on the one hand and the inhabitants of Weſtminſter and thoſe of the neighbouring villages on the other, occaſioned this commotion. The former roſe in a body, and pulled down ſome houſes belonging to the abbot of Weſtminſter. But this riot, which, conſidering the tumultuous diſpoſition familiar to that capital, would have been little regarded, ſeemed to become more ſerious by the ſymptoms which then appeared of the former attachment of the citizens to the French intereſt. The populace, in the tumult, made uſe of the cry of war commonly employed by the French troops; 'Mountjoy, mountjoy, God help us and our lord Lewis.' The juſticiary made inquiry into the diſorder; and, finding one Conſtantine Fitz Arnulf to have been the ringleader, (an inſolent man, who juſtified his crime in Hubert's preſence) he proceeded againſt him by martial law, and ordered him immediately to be hanged, without trial or form of proceſs. He alſo cut off the feet of ſome of Conſtantine's accomplices.[h]

This act of power was complained of as an infringement of the Great Charter; yet the juſticiary, in a parliament ſummoned at Oxford, (for the great councils about this time began to receive that appellation) made no ſcruple to grant, in the king's name, a renewal and confirmation of that charter. When the aſſembly made application to the crown for this favour, as a law in thoſe times ſeemed to loſe its validity if not frequently renewed, William de Briewere, one of the council of regency, was ſo bold as to ſay openly that thoſe liberties were extorted by force, and ought not to be obſerved: but he was reprimanded by the archbiſhop of Canterbury, and was not countenanced by

the king or his chief miniſters.[i] A new confirmation was demanded and granted two years after; and an aid, amounting to a fifteenth of all moveables, was given by the parliament in return for this indulgence. The king iſſued writs anew to the ſheriffs, enjoining the obſervance of the charter: but he inſerted a remarkable clauſe in the writs, that thoſe who payed not the fifteenth ſhould not for the future be entitled to the benefit of thoſe liberties.[k]

The low ſtate into which the crown was fallen made it requiſite for a good miniſter to be attentive to the preſervation of the royal prerogatives, as well as to the ſecurity of public liberty. Hubert applied to the pope, who had always great authority in the kingdom, and was now conſidered as its ſuperior lord; and deſired him to iſſue a bull, declaring the king to be of full age, and entitled to exerciſe in perſon[l] all the acts of royalty. In conſequence of this declaration, the juſticiary reſigned into Henry's hands the two important fortreſſes of the tower and Dover caſtle, which had been intruſted to his cuſtody; and he required the other barons to imitate his example. They refuſed compliance. The earls of Cheſter and Albemarle, John conſtable of Cheſter, John de Lacy, Brian de l'Iſle, and William de Cantel, with ſome others, even formed a conſpiracy to ſurpriſe London, and met in arms at Waltham with that intention; but, finding the king prepared for defence, they deſiſted from their enterpriſe. When ſummoned to court, in order to anſwer for their conduct, they ſcrupled not to appear, and to confeſs the deſign; but they told the king that they had no bad intentions againſt his perſon, but only againſt Hubert de Burgh, whom they were determined to remove from his office.[m] They appeared too formidable to be chaſtiſed; and they were ſo little diſcouraged by the failure of their firſt enterpriſe, that they again met in arms at Leiceſter, in order to ſeize the king, who then reſided at

Northampton. But Henry, informed of their purpoſe, took care to be ſo well armed and attended that the barons found it dangerous to make the attempt; and they ſat down and kept Chriſtmas in his neighbourhood.[n] The archbiſhop and the prelates, finding every thing tend towards a civil war, interpoſed with their authority, and threatened the barons with the ſentence of excommunication if they perſiſted in detaining the king's caſtles. This menace at laſt prevailed; moſt of the fortreſſes were ſurrendered; though the barons complained that Hubert's caſtles were ſoon after reſtored to him, while the king ſtill kept theirs in his own cuſtody. There are ſaid to have been eleven hundred and fifteen caſtles at that time in England.[o]

It muſt be acknowledged that the influence of the prelates and the clergy was often of great ſervice to the public. Though the religion of that age can merit no better name than that of ſuperſtition, it ſerved to unite together a body of men who had great ſway over the people, and who kept the community from falling to pieces by the factions and independent power of the nobles. And, what was of great importance, it threw a mighty authority into the hands of men, who by their profeſſion were averſe to arms and violence; who tempered by their mediation the general diſpoſition towards military enterpriſes; and who ſtill maintained, even amidſt the ſhock of arms, thoſe ſecret links, without which it is impoſſible for human ſociety to ſubſiſt.

Notwithſtanding theſe inteſtine commotions in England, and the precarious authority of the crown, Henry was obliged to carry on war in France; and he employed to that purpoſe the fifteenth, which had been granted him by parliament. Lewis VIII, who had ſucceeded to his father Philip, inſtead of complying with Henry's claim, who demanded the reſtitution of Normandy and the other provinces wreſted from England, made an irruption into Poictou, took Rochelle [p] after a long ſiege, and ſeemed

determined to expel the Engliſh from the few provinces which ſtill remained to them. Henry ſent over his uncle the earl of Saliſbury, together with his brother prince Richard, to whom he had granted the earldom of Cornwall, which had eſcheated to the crown. Saliſbury ſtopped the progreſs of Lewis's arms, and retained the Poictevin and Gaſcon vaſſals in their allegiance; but no military action of any moment was performed on either ſide. The earl of Cornwall, after two years' ſtay in Guienne, returned to England.

This prince was nowiſe turbulent or factious in his diſpoſition; his ruling paſſion was to amaſs money, in which he ſucceeded ſo well as to become the richeſt ſubject in Chriſtendom; yet his attention to gain threw him ſometimes into acts of violence, and gave diſturbance to the government. There was a manor which had formerly belonged to the earldom of Cornwall, but had been granted to Waleran de Ties before Richard had been inveſted with that dignity, and while the earldom remained in the crown. Richard claimed this manor, and expelled the proprietor by force; Waleran complained; the king ordered his brother to do juſtice to the man, and reſtore him to his rights; the earl ſaid that he would not ſubmit to theſe orders till the cauſe ſhould be decided againſt him by the judgment of his peers; Henry replied that it was firſt neceſſary to reinſtate Waleran in poſſeſſion before the cauſe could be tried; and he reiterated his orders to the earl.[q] We may judge of the ſtate of the government, when this affair had nearly produced a civil war. The earl of Cornwall, finding Henry peremptory in his commands, aſſociated himſelf with the young earl of Pembroke, who had married his ſiſter, and who was diſpleaſed on account of the king's requiring him to deliver up ſome royal caſtles which were in his cuſtody. Theſe two malcontents took into the confederacy the earls of Cheſter, Warrenne, Gloceſter, He-

reford, Warwick, and Ferrers, who were all diſguſted on a like account.[r] They aſſembled an army, which the king had not the power or courage to reſiſt; and he was obliged to give his brother ſatisfaction, by grants of much greater importance than the manor which had been the firſt ground of the quarrel.[s]

The character of the king, as he grew to man's eſtate, became every day better known; and he was found in every reſpect unqualified for maintaining a proper ſway among thoſe turbulent barons, whom the feudal conſtitution ſubjected to his authority. Gentle, humane, and merciful even to a fault, he ſeems to have been ſteady in no other circumſtance of his character; but to have received every impreſſion from thoſe who ſurrounded him, and whom he loved for the time with the moſt imprudent and moſt unreſerved affection. Without activity or vigour, he was unfit to conduct war; without policy or art, he was ill fitted to maintain peace. His reſentments, though haſty and violent, were not dreaded while he was found to drop them with ſuch facility; his friendſhips were little valued, becauſe they were neither derived from choice nor maintained with conſtancy. A proper pageant of ſtate in a regular monarchy, where his miniſters could have conducted all affairs in his name and by his authority; but too feeble in thoſe diſorderly times to ſway a ſceptre, whoſe weight depended entirely on the firmneſs and dexterity of the hand which held it.

HUBERT DE BURGH DISPLACED. 1231.

The ableſt and moſt virtuous miniſter that Henry ever poſſeſſed was Hubert de Burgh;[t] a man who had been ſteady to the crown in the moſt difficult and dangerous times, and who yet ſhewed no diſpoſition, in the height of his power, to enſlave or

oppreſs the people. The only exceptionable part of his conduct is that which is mentioned by Matthew Paris;[u] if the fact be really true, and proceeded from Hubert's advice; namely, the recalling publicly and the annulling of the charter of foreſts; a conceſſion ſo reaſonable in itſelf, and ſo paſſionately claimed both by the nobility and people. But it muſt be confeſſed that this meaſure is ſo unlikely, both from the circumſtances of the times and character of the miniſter, that there is reaſon to doubt of its reality, eſpecially as it is mentioned by no other hiſtorian. Hubert, while he enjoyed his authority, had an entire aſcendant over Henry, and was loaded with honours and favours beyond any other ſubject. Beſides acquiring the property of many caſtles and manors, he married the eldeſt ſiſter of the king of Scots; was created earl of Kent; and, by an unuſual conceſſion, was made chief juſticiary of England for life. Yet Henry, in a ſudden caprice, threw off this faithful miniſter, and expoſed him to the violent perſecutions of his enemies. Among other frivolous crimes objected to him, he was accuſed of gaining the king's affections by enchantment, and of purloining from the royal treaſury a gem, which had the virtue to render the wearer invulnerable, and of ſending this valuable curioſity to the prince of Wales.[w] The nobility, who hated Hubert on account of his zeal in reſuming the rights and poſſeſſions of the crown, no ſooner ſaw the opportunity favourable than they inflamed the king's animoſity againſt him, and puſhed him to ſeek the total ruin of his miniſter. Hubert took ſanctuary in a church; the king ordered him to be dragged from thence; he recalled thoſe orders; he afterwards renewed them; he was obliged by the clergy to reſtore him to the ſanctuary; he conſtrained him ſoon after to ſurrender himſelf priſoner, and he confined him in the caſtle of the Devizes. Hubert made his eſcape, was expelled the kingdom, was again received into favour, recovered a great

ſhare of the king's confidence, but never ſhewed any inclination to reinſtate himſelf in power and authority.[x]

BISHOP OF WINCHESTER MINISTER.

THE man who ſucceeded him in the government of the king and kingdom was Peter biſhop of Wincheſter, a Poictevin by birth, who had been raiſed by the late king, and who was no leſs diſtinguiſhed by his arbitrary principles and violent conduct than by his courage and abilities. This prelate had been left by king John juſticiary and regent of the kingdom during an expedition which that prince made into France; and his illegal adminiſtration was one chief cauſe of that great combination among the barons which finally extorted from the crown the charter of liberties, and laid the foundations of the Engliſh conſtitution. Henry, though incapable, from his character, of purſuing the ſame violent maxims which had governed his father, had imbibed the ſame arbitrary principles; and, in proſecution of Peter's advice, he invited over a great number of Poictevins, and other foreigners, who, he believed, could more ſafely be truſted than the Engliſh, and who ſeemed uſeful to counterbalance the great and independent power of the nobility.[y] Every office and command was beſtowed on theſe ſtrangers; they exhauſted the revenues of the crown, already too much impoveriſhed;[z] they invaded the rights of the people; and their inſolence, ſtill more provoking than their power, drew on them the hatred and envy of all orders of men in the kingdom.[a]

The barons formed a combination againſt this odious miniſtry, and withdrew from parliament, on pretence of the danger to which they were expoſed from the machinations of the Poictevins. When again ſummoned to attend, they gave for anſwer that the king ſhould diſmiſs his foreigners, otherwiſe they would

drive both him and them out of the kingdom, and put the crown on another head more worthy to wear it.[b] Such was the ſtyle they uſed to their ſovereign! They at laſt came to parliament; but ſo well attended, that they ſeemed in a condition to preſcribe laws to the king and miniſtry. Peter des Roches, however, had in the interval found means of ſowing diſſenſion among them, and of bringing over to his party the earl of Cornwall, as well as the earls of Lincoln and Cheſter. The confederates were diſconcerted in their meaſures: Richard, earl mareſchal, who had ſucceeded to that dignity on the death of his brother William, was chaſed into Wales; he thence withdrew into Ireland, where he was treacherouſly murdered by the contrivance of the biſhop of Wincheſter.[c] The eſtates of the more obnoxious barons were confiſcated, without legal ſentence or trial by their peers,[d] and were beſtowed with a profuſe liberality on the Poictevins. Peter even carried his inſolence ſo far as to declare publicly, that the barons of England muſt not pretend to put themſelves on the ſame footing with thoſe of France, or aſſume the ſame liberties and privileges: the monarch in the former country had a more abſolute power than in the latter. It had been more juſtifiable for him to have ſaid that men, ſo unwilling to ſubmit to the authority of laws, could with the worſe grace claim any ſhelter or protection from them.

When the king at any time was checked in his illegal practices, and when the authority of the Great Charter was objected to him, he was wont to reply, 'Why ſhould I obſerve this charter, which is neglected by all my grandees, both prelates and nobility?' It was very reaſonably ſaid to him, 'You ought, ſir, to ſet them[e] the example.'

So violent a miniſtry as that of the biſhop of Wincheſter could not be of long duration; but its fall proceeded at laſt from the influence of the church, not from the efforts of the nobles.

Edmond the primate came to court, attended by many of the other prelates, and repreſented to the king the pernicious meaſures embraced by Peter des Roches, the diſcontents of his people, the ruin of his affairs; and, after requiring the diſmiſſion of the miniſter and his aſſociates, threatened him with excommunication in caſe of his refuſal. Henry, who knew that an excommunication ſo agreeable to the ſenſe of the people could not fail of producing the moſt dangerous effects, was obliged to ſubmit; foreigners were baniſhed; the natives were reſtored to their place in council;[f] the primate, who was a man of prudence, and who took care to execute the laws and obſerve the charter of liberties, bore the chief ſway in the government.

KING'S PARTIALITY TO FOREIGNERS.

But the Engliſh in vain flattered themſelves that they ſhould be long free from the dominion of foreigners. The king, having married Eleanor, daughter of the count of Provence,[g] was ſurrounded by a great number of ſtrangers from that country, whom he careſſed with the fondeſt affection, and enriched by an imprudent generoſity.[h] The biſhop of Valence, a prelate of the houſe of Savoy, and maternal uncle to the queen, was his chief miniſter, and employed every art to amaſs wealth for himſelf and his relations. Peter of Savoy, a brother of the ſame family, was inveſted in the honour of Richmond, and received the rich wardſhip of earl Warrenne; Boniface of Savoy was promoted to the ſee of Canterbury; many young ladies were invited over from Provence, and married to the chief noblemen in England, who were the king's wards.[i] And, as the ſource of Henry's bounty began to fail, his Savoyard miniſtry applied to Rome, and obtained a bull, permitting him to reſume all paſt grants; abſolving him from the oath which he had taken to maintain

them; even enjoining him to make ſuch a reſumption; and repreſenting thoſe grants as invalid, on account of the prejudice which enſued from them to the Roman pontiff, in whom the ſuperiority of the kingdom was veſted.[k] The oppoſition made to the intended reſumption prevented it from taking place; but the nation ſaw the indignities to which the king was willing to ſubmit, in order to gratify the avidity of his foreign favourites. About the ſame time he publiſhed in England the ſentence of excommunication pronounced againſt the emperor Frederic, his brother-in-law;[l] and ſaid in excuſe that, being the pope's vaſſal, he was obliged by his allegiance to obey all the commands of his holineſs. In this weak reign, when any neighbouring potentate inſulted the king's dominions, inſtead of taking revenge for the injury, he complained to the pope as his ſuperior lord, and begged him to give protection to his vaſſal.[m]

GRIEVANCES. 1247.

THE reſentment of the Engliſh barons roſe high at the preference given to foreigners; but no remonſtrance or complaint could ever prevail on the king to abandon them, or even to moderate his attachment towards them. After the Provençals and Savoyards might have been ſuppoſed pretty well ſatiated with the dignities and riches which they had acquired, a new ſet of hungry foreigners were invited over, and ſhared among them thoſe favours which the king ought in policy to have conferred on the Engliſh nobility, by whom his government could have been ſupported and defended. His mother Iſabella, who had been unjuſtly taken by the late king from the count de la Marche, to whom ſhe was betrothed, was no ſooner miſtreſs of herſelf by the death of her huſband than ſhe married that nobleman;[n] and ſhe had born him four ſons, Guy, William, Geof-

frey, and Aymer, whom ſhe ſent over to England, in order to pay a viſit to their brother. The good-natured and affectionate diſpoſition of Henry was moved at the ſight of ſuch near relations; and he conſidered neither his own circumſtances, nor the inclinations of his people, in the honours and riches which he conferred upon them.[o] Complaints roſe as high againſt the credit of the Gaſcon, as ever they had done againſt that of the Poictevin and of the Savoyard, favourites; and, to a nation prejudiced againſt them, all their meaſures appeared exceptionable and criminal. Violations of the Great Charter were frequently mentioned; and it is indeed more than probable that foreigners, ignorant of the laws, and relying on the boundleſs affections of a weak prince, would, in an age when a regular adminiſtration was not any where known, pay more attention to their preſent intereſt than to the liberties of the people. It is reported that the Poictevins and other ſtrangers, when the laws were at any time appealed to in oppoſition to their oppreſſions, ſcrupled not to reply, 'What did the Engliſh laws ſignify to them? They minded them not.' And, as words are often more offenſive than actions, this open contempt of the Engliſh tended much to aggravate the general diſcontent, and made every act of violence committed by the foreigners appear not only an injury, but an affront to them.[p]

I reckon not among the violations of the Great Charter ſome arbitrary exertions of prerogative, to which Henry's neceſſities puſhed him, and which, without producing any diſcontent, were uniformly continued by all his ſucceſſors till the laſt century. As the parliament often refuſed him ſupplies, and that in a manner ſomewhat rude and indecent,[q] he obliged his opulent ſubjects, particularly the citizens of London, to grant him loans of money; and it is natural to imagine that the ſame want of economy, which reduced him to the neceſſity of borrowing, would

prevent him from being very punctual in the repayment.[r] He demanded benevolences, or pretended voluntary contributions, from his nobility and prelates.[s] He was the firſt king of England ſince the conqueſt that could fairly be ſaid to lie under the reſtraint of law; and he was alſo the firſt that practiſed the diſpenſing power, and employed the clauſe of 'non obſtante' in his grants and patents. When objections were made to this novelty, he replied that the pope exerciſed that authority; and why might not he imitate the example? But the abuſe which the pope made of his diſpenſing power, in violating the canons of general councils, in invading the privileges and cuſtoms of all particular churches, and in uſurping on the rights of patrons, was more likely to excite the jealouſy of the people than to reconcile them to a ſimilar practice in their civil government. Roger de Thurkeſby, one of the king's juſtices, was ſo diſpleaſed with the precedent, that he exclaimed, 'Alas! what times are we fallen into! Behold, the civil court is corrupted in imitation of the eccleſiaſtical, and the river is poiſoned from that fountain!'

The king's partiality and profuſe bounty to his foreign relations, and to their friends and favourites, would have appeared more tolerable to the Engliſh, had any thing been done meanwhile for the honour of the nation; or had Henry's enterpriſes in foreign countries been attended with any ſucceſs or glory to himſelf or to the public: at leaſt, ſuch military talents in the king would have ſerved to keep his barons in awe, and have given weight and authority to his government. But, though he declared war againſt Lewis IX in 1242, and made an expedition into Guienne upon the invitation of his father-in-law, the count de la Marche, who promiſed to join him with all his forces, he was unſucceſsful in his attempts againſt that great monarch; was worſted at Taillebourg; was deſerted by his allies; loſt what

remained to him of Poictou; and was obliged to return, with loſs of honour, into England.[t] The Gaſcon nobility were attached to the Engliſh government, becauſe the diſtance of their ſovereign allowed them to remain in a ſtate of almoſt total independence; and they claimed, ſome time after, Henry's protection againſt an invaſion which the king of Caſtile made upon that territory. Henry returned into Guienne, and was more ſucceſsful in this expedition; but he thereby involved himſelf and his nobility in an enormous debt, which both increaſed their diſcontents, and expoſed him to greater danger from their enterpriſes.[u]

Want of economy, and an ill-judged liberality, were Henry's great defects; and his debts, even before this expedition, had become ſo troubleſome, that he ſold all his plate and jewels in order to diſcharge them. When this expedient was firſt propoſed to him he aſked where he ſhould find purchaſers? It was replied, 'The citizens of London.' 'On my word,' ſaid he, 'if the treaſury of Auguſtus were brought to ſale, the citizens are able to be the purchaſers. Theſe clowns, who aſſume to themſelves the name of barons, abound in every thing, while we are reduced [w] to neceſſities.' And he was thenceforth obſerved to be more forward and greedy in his exactions upon the citizens.[x]

But the grievances, which the Engliſh during this reign had reaſon to complain of in the civil government, ſeem to have been ſtill leſs burdenſome than thoſe which they ſuffered from the uſurpations and exactions of the court of Rome. On the death of Langton, in 1228, the monks of Chriſt church elected Walter de Hemeſham, one of their own body, for his ſucceſſor: but, as Henry refuſed to confirm the election, the pope, at his deſire, annulled it;[y] and immediately appointed Richard, chancellor of Lincoln, for archbiſhop, without waiting for a new election. On the death of Richard, in 1231, the monks elected

Ralph de Neville biſhop of Chicheſter; and, though Henry was much pleaſed with the election, the pope, who thought that prelate too much attached to the crown, aſſumed the power of annulling his election.[z] He rejected two clergymen more, whom the monks had ſucceſſively choſen; and he at laſt told them that, if they would elect Edmond treaſurer of the church of Saliſbury, he would confirm their choice; and his nomination was complied with. The pope had the prudence to appoint both times very worthy primates; but men could not forbear obſerving his intention of thus drawing gradually to himſelf the right of beſtowing that important dignity.

The avarice, however, more than the ambition, of the ſee of Rome, ſeems to have been in this age the ground of general complaint. The papal miniſters, finding a vaſt ſtock of power amaſſed by their predeceſſors, were deſirous of turning it to immediate profit, which they enjoyed at home, rather than of enlarging their authority in diſtant countries, where they never intended to reſide. Every thing was become venal in the Romiſh tribunals; ſimony was openly practiſed; no favours, and even no juſtice, could be obtained without a bribe; the higheſt bidder was ſure to have the preference, without regard either to the merits of the perſon or of the cauſe; and, beſides the uſual perverſions of right in the deciſion of controverſies, the pope openly aſſumed an abſolute and uncontrolled authority of ſetting aſide, by the plenitude of his apoſtolic power, all particular rules, and all privileges of patrons, churches, and convents. On pretence of remedying theſe abuſes, pope Honorius, in 1226, complaining of the poverty of his ſee as the ſource of all grievances, demanded from every cathedral two of the beſt prebends, and from every convent two monks' portions, to be ſet apart as a perpetual and ſettled revenue of the papal crown: but, all men being ſenſible that the revenue would continue for ever, and the

abuſes immediately return, his demand was unanimouſly rejected. About three years after the pope demanded, and obtained, the tenth of all eccleſiaſtical revenues, which he levied in a very oppreſſive manner; requiring payment before the clergy had drawn their rents or tithes, and ſending about uſurers, who advanced them the money at exorbitant intereſt. In the year 1240 Otho the legate, having in vain attempted the clergy in a body, obtained ſeparately, by intrigues and menaces, large ſums from the prelates and convents; and, on his departure, is ſaid to have carried more money out of the kingdom than he left in it. This experiment was renewed four years after with ſucceſs by Martin the nuncio, who brought from Rome powers of ſuſpending and excommunicating all clergymen that refuſed to comply with his demands. The king, who relied on the pope for the ſupport of his tottering authority, never failed to countenance thoſe exactions.

Meanwhile all the chief benefices of the kingdom were conferred on Italians; great numbers of that nation were ſent over at one time to be provided for; non-reſidence and pluralities were carried to an enormous height; Manſel, the king's chaplain, is computed to have held at once ſeven hundred eccleſiaſtical livings; and the abuſes became ſo evident as to be palpable to the blindneſs of ſuperſtition itſelf. The people, entering into aſſociations, roſe againſt the Italian clergy; pillaged their barns; waſted their lands; inſulted the perſons of ſuch of them as they found in the kingdom;[a] and, when the juſtices made inquiry into the authors of this diſorder, the guilt was found to involve ſo many, and thoſe of ſuch high rank, that it paſſed unpuniſhed. At laſt, when Innocent IV, in 1245, called a general council at Lyons, in order to excommunicate the emperor Frederic, the king and nobility ſent over agents to complain before the council of the rapacity of the Romiſh church. They repreſented,

among many other grievances, that the benefices of the Italian clergy in England had been eſtimated, and were found to amount to ſixty thouſand marks a year,[b] a ſum which exceeded the annual revenue of the crown itſelf.[c] They obtained only an evaſive anſwer from the pope; but, as mention had been made before the council of the feudal ſubjection of England to the ſee of Rome, the Engliſh agents, at whoſe head was Roger Bigod earl of Norfolk, exclaimed againſt the pretenſion, and inſiſted that king John had no right, without the conſent of his barons, to ſubject the kingdom to ſo ignominious a ſervitude.[d] The popes indeed, afraid of carrying matters too far againſt England, ſeem thenceforth to have little inſiſted on that pretenſion.

This check, received at the council of Lyons, was not able to ſtop the court of Rome in its rapacity. Innocent exacted the revenues of all vacant benefices, the twentieth of all eccleſiaſtical revenues without exception, the third of ſuch as exceeded a hundred marks a year, and the half of ſuch as were poſſeſſed by non-reſidents.[e] He claimed the goods of all inteſtate clergymen;[f] he pretended a title to inherit all money gotten by uſury; he levied benevolences upon the people; and, when the king, contrary to his uſual practice, prohibited theſe exactions, he threatened to pronounce againſt him the ſame cenſures which he had emitted againſt the emperor Frederic.[g]

But the moſt oppreſſive expedient employed by the pope was the embarking of Henry in a project for the conqueſt of Naples, or Sicily on this ſide the Fare, as it was called; an enterpriſe which threw much diſhonour on the king, and involved him, during ſome years, in great trouble and expenſe. The Romiſh church, taking advantage of favourable incidents, had reduced the kingdom of Sicily to the ſame ſtate of feudal vaſſalage which ſhe pretended to extend over England; and which, by reaſon of the diſtance, as well as high ſpirit, of this latter kingdom, ſhe

was not able to maintain. After the death of the emperor Frederic II the ſucceſſion of Sicily devolved to Conradine, grandſon of that monarch; and Mainfroy, his natural ſon, under pretence of governing the kingdom during the minority of the prince, had formed a ſcheme of eſtabliſhing his own authority. Pope Innocent, who had carried on violent war againſt the emperor Frederic, and had endeavoured to diſpoſſeſs him of his Italian dominions, ſtill continued hoſtilities againſt his grandſon; but, being diſappointed in all his ſchemes by the activity and artifices of Mainfroy, he found that his own force alone was not ſufficient to bring to a happy iſſue ſo great an enterpriſe. He pretended to diſpoſe of the Sicilian crown, both as ſuperior lord of that particular kingdom and as vicar of Chriſt, to whom all kingdoms of the earth were ſubjected; and he made a tender of it to Richard earl of Cornwall, whoſe immenſe riches, he flattered himſelf, would be able to ſupport the military operations againſt Mainfroy. As Richard had the prudence to refuſe the preſent,[h] he applied to the king, whoſe levity and thoughtleſs diſpoſition gave Innocent more hopes of ſucceſs; and he offered him the crown of Sicily for his ſecond ſon Edmond.[i] Henry, allured by ſo magnificent a preſent, without reflecting on the conſequences, without conſulting either with his brother or the parliament, accepted of the inſidious propoſal; and gave the pope unlimited credit to expend whatever ſums he thought neceſſary for completing the conqueſt of Sicily. Innocent, who was engaged by his own intereſts to wage war with Mainfroy, was glad to carry on his enterpriſes at the expenſe of his ally; Alexander IV, who ſucceeded him in the papal throne, continued the ſame policy; and Henry was ſurpriſed to find himſelf on a ſudden involved in an immenſe debt, which he had never been conſulted in contracting. The ſum already amounted to one hundred and thirty-five thouſand five hundred and forty-one

marks, beſide intereſt;[k] and he had the proſpect, if he anſwered this demand, of being ſoon loaded with more exorbitant expenſes; if he refuſed it, of both incurring the pope's diſpleaſure and loſing the crown of Sicily, which he hoped ſoon to have the glory of fixing on the head of his ſon.

He applied to the parliament for ſupplies; and, that he might be ſure not to meet with oppoſition, he ſent no writs to the more refractory barons: but even thoſe who were ſummoned, ſenſible of the ridiculous cheat impoſed by the pope, determined not to laviſh their money on ſuch chimerical projects; and, making a pretext of the abſence of their brethren, they refuſed to take the king's demands into conſideration.[l] In this extremity the clergy were his only reſource; and, as both their temporal and ſpiritual ſovereign concurred in loading them, they were ill able to defend themſelves againſt this united authority.

The pope publiſhed a cruſade for the conqueſt of Sicily; and required every one who had taken the croſs againſt the infidels, or had vowed to advance money for that ſervice, to ſupport the war againſt Mainfroy; a more terrible enemy, as he pretended, to the Chriſtian faith than any Saracen.[m] He levied a tenth on all eccleſiaſtical benefices in England for three years; and gave orders to excommunicate all biſhops who made not punctual payment. He granted to the king the goods of inteſtate clergymen, the revenues of vacant benefices, the revenues of all non-reſidents.[n] But theſe taxations, being levied by ſome rule, were deemed leſs grievous than another impoſition, which aroſe from the ſuggeſtion of the biſhop of Hereford, and which might have opened the door to endleſs and intolerable abuſes.

This prelate, who reſided at the court of Rome by a deputation from the Engliſh church, drew bills of different values, but amounting on the whole to one hundred and fifty thouſand five hundred and forty marks, on all the biſhops and abbots of the

kingdom; and granted theſe bills to Italian merchants, who it was pretended had advanced money for the ſervice of the war againſt Mainfroy.[o] As there was no likelihood of the Engliſh prelates ſubmitting, without compulſion, to ſuch an extraordinary demand, Ruſtand the legate was charged with the commiſſion of employing authority to that purpoſe; and he ſummoned an aſſembly of the biſhops and abbots, whom he acquainted with the pleaſure of the pope and of the king. Great were the ſurpriſe and indignation of the aſſembly: the biſhop of Worceſter exclaimed that he would loſe his life rather than comply: the biſhop of London ſaid that the pope and king were more powerful than he; but, if his mitre were taken off his head, he would clap on a helmet in its place.[p] The legate was no leſs violent on the other hand; and he told the aſſembly, in plain terms, that all eccleſiaſtical benefices were the property of the pope, and he might diſpoſe of them, either in whole or in part, as he ſaw proper.[q] In the end, the biſhops and abbots, being threatened with excommunication, which made all their revenues fall into the king's hands, were obliged to ſubmit to the exaction; and the only mitigation which the legate allowed them was, that the tenths already granted ſhould be accepted as a partial payment of the bills. But the money was ſtill inſufficient for the pope's purpoſe; the conqueſt of Sicily was as remote as ever; the demands which came from Rome were endleſs; pope Alexander became ſo urgent a creditor, that he ſent over a legate to England, threatening the kingdom with an interdict, and the king with excommunication, if the arrears which he pretended to be due to him were not inſtantly remitted; and at laſt Henry, ſenſible of the cheat, began to think of breaking off the agreement, and of reſigning into the pope's hands that crown which it was not intended by Alexander that he or his family ſhould ever enjoy.[r]

EARL OF CORNWALL KING OF THE ROMANS. 1255.

THE earl of Cornwall had now reaſon to value himſelf on his foreſight, in refuſing the fraudulent bargain with Rome, and in preferring the ſolid honours of an opulent and powerful prince of the blood of England to the empty and precarious glory of a foreign dignity. But he had not always firmneſs ſufficient to adhere to this reſolution: his vanity and ambition prevailed at laſt over his prudence and his avarice; and he was engaged in an enterpriſe no leſs extenſive and vexatious than that of his brother, and not attended with much greater probability of ſucceſs. The immenſe opulence of Richard having made the German princes caſt their eye on him as a candidate for the empire, he was tempted to expend vaſt ſums of money on his election; and he ſucceeded ſo far as to be choſen king of the Romans, which ſeemed to render his ſucceſſion infallible to the imperial throne. He went over to Germany, and carried out of the kingdom no leſs a ſum than ſeven hundred thouſand marks, if we may credit the account given by ſome ancient authors,[s] which is probably much exaggerated.[t] His money, while it laſted, procured him friends and partiſans; but it was ſoon drained from him by the avidity of the German princes: and, having no perſonal or family connexions in that country, and no ſolid foundation of power, he found at laſt that he had laviſhed away the frugality of a whole life in order to procure a ſplendid title; and that his abſence from England, joined to the weakneſs of his brother's government, gave reins to the factious and turbulent diſpoſitions of the Engliſh barons, and involved his own country and family in great calamities.

DISCONTENTS OF THE BARONS.

THE ſucceſsful revolt of the nobility from king John, and their impoſing on him and his ſucceſſors limitations of their royal power, had made them feel their own weight and importance; had ſet a dangerous precedent of reſiſtance; and, being followed by a long minority, had impoveriſhed as well as weakened that crown, which they were at laſt induced, from the fear of worſe conſequences, to replace on the head of young Henry. In the king's ſituation, either great abilities and vigour were requiſite to overawe the barons, or great caution and reſerve to give them no pretence for complaints; and it muſt be confeſſed that this prince was poſſeſſed of neither of theſe talents. He had not prudence to chooſe right meaſures; he wanted even that conſtancy which ſometimes gives weight to wrong ones; he was entirely devoted to his favourites, who were always foreigners; he laviſhed on them, without diſcretion, his diminiſhed revenue; and, finding that his barons indulged their diſpoſition towards tyranny, and obſerved not to their own vaſſals the ſame rules which they had impoſed on the crown, he was apt, in his adminiſtration, to neglect all the ſalutary articles of the Great Charter, which he remarked to be ſo little regarded by his nobility. This conduct had extremely leſſened his authority in the kingdom; had multiplied complaints againſt him; and had frequently expoſed him to affronts, and even to dangerous attempts upon his prerogative. In the year 1244, when he deſired a ſupply from parliament, the barons, complaining of the frequent breaches of the Great Charter, and of the many fruitleſs applications which they had formerly made for the redreſs of this and other grievances, demanded, in return, that he ſhould give them the nomination of the great juſticiary and of the chan-

cellor, to whoſe hands chiefly the adminiſtration of juſtice was committed: and, if we may credit the hiſtorian," they had formed the plan of other limitations, as well as of aſſociations to maintain them, which would have reduced the king to be an abſolute cypher, and have held the crown in perpetual pupillage and dependance. The king, to ſatisfy them, would agree to nothing but a renewal of the charter, and a general permiſſion to excommunicate all the violators of it: and he received no ſupply, except a ſcutage of twenty ſhillings on each knight's fee for the marriage of his eldeſt daughter to the king of Scotland; a burden which was expreſsly annexed to their feudal tenures.

Four years after, in a full parliament, when Henry demanded a new ſupply, he was openly reproached with a breach of his word, and the frequent violations of the charter. He was aſked whether he did not bluſh to deſire any aid from his people, whom he profeſſedly hated and deſpiſed; to whom on all occaſions he preferred aliens and foreigners; and who groaned under the oppreſſions which he either permitted or exerciſed over them. He was told that, beſides diſparaging his nobility by forcing them to contract unequal and mean marriages with ſtrangers, no rank of men was ſo low as to eſcape vexations from him or his miniſters: that even the victuals conſumed in his houſehold, the clothes which himſelf and his ſervants wore, ſtill more the wine which they uſed, were all taken by violence from the lawful owners, and no compenſation was ever made them for the injury: that foreign merchants, to the great prejudice and infamy of the kingdom, ſhunned the Engliſh harbours, as if they were poſſeſſed by pirates, and the commerce with all nations was thus cut off by theſe acts of violence: that loſs was added to loſs, and injury to injury, while the merchants who had been deſpoiled of their goods, were alſo obliged to

carry them at their own charge to whatever place the king was pleaſed to appoint them: that even the poor fiſhermen on the coaſt could not eſcape his oppreſſions and thoſe of his courtiers; and, finding that they had not full liberty to diſpoſe of their commodities in the Engliſh market, were frequently conſtrained to carry them to foreign ports, and to hazard all the perils of the ocean, rather than thoſe which awaited them from his oppreſſive emiſſaries: and that his very religion was a ground of complaint to his ſubjects, while they obſerved that the waxen tapers and ſplendid ſilks, employed in ſo many uſeleſs proceſſions, were the ſpoils which he had forcibly raviſhed from the true owners.[w] Throughout this remonſtrance, in which the complaints derived from an abuſe of the ancient right of purveyance may be ſuppoſed to be ſomewhat exaggerated, there appears a ſtrange mixture of regal tyranny in the practices which gave riſe to it, and of ariſtocratical liberty, or rather licentiouſneſs, in the expreſſions employed by the parliament. But a mixture of this kind is obſervable in all the ancient feudal governments; and both of them proved equally hurtful to the people.

As the king, in anſwer to their remonſtrance, gave the parliament only good words and fair promiſes, attended with the moſt humble ſubmiſſions, which they had often found deceitful, he obtained at that time no ſupply; and, therefore, in the year 1253, when he found himſelf again under the neceſſity of applying to parliament, he had provided a new pretence, which he deemed infallible; and, taking the vow of a cruſade, he demanded their aſſiſtance in that pious enterpriſe.[x] The parliament, however, for ſome time heſitated to comply; and the eccleſiaſtical order ſent a deputation, conſiſting of four prelates, the primate, and the biſhops of Wincheſter, Saliſbury, and Carliſle, in order to remonſtrate with him on his frequent violations of their privileges, the oppreſſions with which he had loaded

them and all his ſubjects,[y] and the uncanonical and forced elections which were made to vacant dignities. 'It is true,' replied the king, 'I have been ſomewhat faulty in this particular; I obtruded you, my lord of Canterbury, upon your ſee; I was obliged to employ both entreaties and menaces, my lord of Wincheſter, to have you elected; my proceedings, I confeſs, were very irregular, my lords of Saliſbury and Carliſle, when I raiſed you from the loweſt ſtations to your preſent dignities: I am determined henceforth to correct theſe abuſes; and it will alſo become you, in order to make a thorough reformation, to reſign your preſent benefices, and try to enter again in a more regular and canonical [z] manner.' The biſhops, ſurpriſed at theſe unexpected ſarcaſms, replied that the queſtion was not at preſent how to correct paſt errors, but to avoid them for the future. The king promiſed redreſs both of eccleſiaſtical and civil grievances; and the parliament, in return, agreed to grant him a ſupply, a tenth of the eccleſiaſtical benefices, and a ſcutage of three marks on each knight's fee: but, as they had experienced his frequent breach of promiſe, they required that he ſhould ratify the Great Charter in a manner ſtill more authentic and more ſolemn than any which he had hitherto employed. All the prelates and abbots were aſſembled; they held burning tapers in their hands; the Great Charter was read before them; they denounced the ſentence of excommunication againſt every one who ſhould thenceforth violate the fundamental law; they threw their tapers on the ground, and exclaimed, 'May the ſoul of every one who incurs this ſentence ſo ſtink and corrupt in hell!' The king bore a part in this ceremony; and ſubjoined, 'So help me God, I will keep all theſe articles inviolate, as I am a man, as I am a Chriſtian, as I am a knight, and as I am a king [a] crowned and anointed.' Yet was the tremendous ceremony no ſooner finiſhed than his favourites, abuſing his weakneſs,

made him return to the ſame arbitrary and irregular adminiſtration; and the reaſonable expectations of his people were thus perpetually eluded and diſappointed.[b]

SIMON DE MOUNTFORT EARL OF LEICESTER. 1258.

All theſe imprudent and illegal meaſures afforded a pretence to Simon de Mountfort, earl of Leiceſter, to attempt an innovation in the government, and to wreſt the ſceptre from the feeble and irreſolute hand which held it. This nobleman was a younger ſon of that Simon de Mountfort who had conducted with ſuch valour and renown the cruſade againſt the Albigenſes, and who, though he tarniſhed his famous exploits by cruelty and ambition, had left a name very precious to all the bigots of that age, particularly to the eccleſiaſtics. A large inheritance in England fell by ſucceſſion to this family; but, as the elder brother enjoyed ſtill more opulent poſſeſſions in France, and could not perform fealty to two maſters, he transferred his right to Simon his younger brother, who came over to England, did homage for his lands, and was raiſed to the dignity of earl of Leiceſter. In the year 1238 he eſpouſed Eleanor dowager of William earl of Pembroke, and ſiſter to the king:[c] but the marriage of this princeſs with a ſubject and a foreigner, though contracted with Henry's conſent, was loudly complained of by the earl of Cornwall and all the barons of England; and Leiceſter was ſupported againſt their violence by the king's favour and authority[d] alone. But he had no ſooner eſtabliſhed himſelf in his poſſeſſions and dignities than he acquired, by inſinuation and addreſs, a ſtrong intereſt with the nation, and gained equally the affections of all orders of men. He loſt, however, the friendſhip of Henry from the uſual levity and fickleneſs of that prince; he was baniſhed the court; he was recalled; he was intruſted with the command

of Guienne,[e] where he did good ſervice and acquired honour; he was again diſgraced by the king, and his baniſhment from court ſeemed now final and irrevocable. Henry called him traitor to his face; Leiceſter gave him the lie, and told him that, if he were not his ſovereign, he would ſoon make him repent of that inſult. Yet was this quarrel accommodated, either from the good-nature or timidity of the king; and Leiceſter was again admitted into ſome degree of favour and authority. But, as this nobleman was become too great to preſerve an entire complaiſance to Henry's humours, and to act in ſubſerviency to his other minions, he found more advantage in cultivating his intereſt with the public, and in inflaming the general diſcontents which prevailed againſt the adminiſtration. He filled every place with complaints againſt the infringement of the Great Charter, the acts of violence committed on the people, the combination between the pope and the king in their tyranny and extortions, Henry's neglect of his native ſubjects and barons; and, though himſelf a foreigner, he was more loud than any in repreſenting the indignity of ſubmitting to the dominion of foreigners. By his hypocritical pretenſions to devotion he gained the favour of the zealots and clergy; by his ſeeming concern for public good he acquired the affections of the public; and, beſides the private friendſhips which he had cultivated with the barons, his animoſity againſt the favourites created an union of intereſts between him and that powerful order.

A recent quarrel, which broke out between Leiceſter and William de Valence, Henry's half brother and chief favourite, brought matters to extremity,[f] and determined the former to give full ſcope to his bold and unbounded ambition, which the laws and the king's authority had hitherto with difficulty reſtrained. He ſecretly called a meeting of the moſt conſiderable barons, particularly Humphrey de Bohun high conſtable, Roger Bigod earl

mareſchal, and the earls of Warwick and Gloceſter; men who, by their family and poſſeſſions, ſtood in the firſt rank of the Engliſh nobility. He repreſented to this company the neceſſity of reforming the ſtate, and of putting the execution of the laws into other hands than thoſe which had hitherto appeared, from repeated experience, ſo unfit for the charge with which they were intruſted. He exaggerated the oppreſſions exerciſed againſt the lower orders of the ſtate, the violations of the barons' privileges, the continued depredations made on the clergy; and, in order to aggravate the enormity of his conduct, he appealed to the Great Charter, which Henry had ſo often ratified, and which was calculated to prevent for ever the return of thoſe intolerable grievances. He magnified the generoſity of their anceſtors, who, at a great expenſe of blood, had extorted that famous conceſſion from the crown; but lamented their own degeneracy, who allowed ſo important an advantage, once obtained, to be wreſted from them by a weak prince and by inſolent ſtrangers. And he inſiſted that the king's word, after ſo many ſubmiſſions and fruitleſs promiſes on his part, could no longer be relied on; and that nothing but his abſolute inability to violate national privileges could henceforth enſure the regular obſervance of them.

Theſe topics, which were founded in truth, and ſuited ſo well the ſentiments of the company, had the deſired effect; and the barons embraced a reſolution of redreſſing the public grievances, by taking into their own hands the adminiſtration of government. Henry having ſummoned a parliament, in expectation of receiving ſupplies for his Sicilian project, the barons appeared in the hall clad in complete armour, and with their ſwords by their ſide. The king on his entry, ſtruck with the unuſual appearance, aſked them what was their purpoſe, and whether they pretended to make him their priſoner?[g] Roger Bigod replied,

in the name of the reſt, that he was not their priſoner, but their ſovereign; that they even intended to grant him large ſupplies, in order to fix his ſon on the throne of Sicily; that they only expected ſome return for this expenſe and ſervice; and that, as he had frequently made ſubmiſſions to the parliament, had acknowledged his paſt errors, and had ſtill allowed himſelf to be carried into the ſame path, which gave them ſuch juſt reaſon of complaint, he muſt now yield to more ſtrict regulations, and confer authority on thoſe who were able and willing to redreſs the national grievances. Henry, partly allured by the hopes of ſupply, partly intimidated by the union and martial appearance of the barons, agreed to their demand; and promiſed to ſummon another parliament at Oxford, in order to digeſt the new plan of government, and to elect the perſons who were to be intruſted with the chief authority.

PROVISIONS OF OXFORD.

This parliament, which the royaliſts, and even the nation, from experience of the confuſions that attended its meaſures, afterwards denominated 'the mad parliament,' met on the day appointed; and, as all the barons brought along with them their military vaſſals, and appeared with an armed force, the king, who had taken no precautions againſt them, was in reality a priſoner in their hands, and was obliged to ſubmit to all the terms which they were pleaſed to impoſe upon him. Twelve barons were ſelected from among the king's miniſters, twelve more were choſen by parliament: to theſe twenty-four unlimited authority was granted to reform the ſtate; and the king himſelf took an oath that he would maintain whatever ordinances they ſhould think proper to enact for that purpoſe.[h] Leiceſter was at the head of this ſupreme council, to which the legiſlative

power was thus in reality transferred; and all their meaſures were taken by his ſecret influence and direction. The firſt ſtep bore a ſpecious appearance, and ſeemed well calculated for the end which they profeſſed to be the object of all theſe innovations. They ordered that four knights ſhould be choſen by each county; that they ſhould make inquiry into the grievances of which their neighbourhood had reaſon to complain, and ſhould attend the enſuing parliament, in order to give information to that aſſembly of the ſtate of their particular counties:[i] a nearer approach to our preſent conſtitution than had been made by the barons in the reign of king John, when the knights were only appointed to meet in their ſeveral counties, and there to draw up a detail of their grievances. Meanwhile the twenty-four barons proceeded to enact ſome regulations, as a redreſs of ſuch grievances as were ſuppoſed to be ſufficiently notorious. They ordered that three ſeſſions of parliament ſhould be regularly held every year, in the months of February, June, and October; that a new ſheriff ſhould be annually elected by the votes of the freeholders in each county;[k] that the ſheriffs ſhould have no power of fining the barons who did not attend their courts, or the circuits of the juſticiaries; that no heirs ſhould be committed to the wardſhip of foreigners, and no caſtles intruſted to their cuſtody; and that no new warrens or foreſts ſhould be created, nor the revenues of any counties or hundreds be let to farm. Such were the regulations which the twenty-four barons eſtabliſhed at Oxford for the redreſs of public grievances.

But the earl of Leiceſter and his aſſociates, having advanced ſo far to ſatisfy the nation, inſtead of continuing in this popular courſe, or granting the king that ſupply which they had promiſed him, immediately provided for the extenſion and continuance of their own authority. They rouſed anew the popular clamour which had long prevailed againſt foreigners; and they

fell with the utmoſt violence on the king's half-brothers, who were ſuppoſed to be the authors of all national grievances, and whom Henry had no longer any power to protect. The four brothers, ſenſible of their danger, took to flight, with an intention of making their eſcape out of the kingdom; they were eagerly purſued by the barons; Aymer, one of the brothers, who had been elected to the ſee of Wincheſter, took ſhelter in his epiſcopal palace, and carried the others along with him; they were ſurrounded in that place, and threatened to be dragged out by force, and to be puniſhed for their crimes and miſdemeanors; and the king, pleading the ſacredneſs of an eccleſiaſtical ſanctuary, was glad to extricate them from this danger by baniſhing them the kingdom. In this act of violence, as well as in the former uſurpations of the barons, the queen and her uncles were thought to have ſecretly concurred; being jealous of the credit acquired by the brothers, which they found had eclipſed and annihilated their own.

USURPATIONS OF THE BARONS.

But the ſubſequent proceedings of the twenty-four barons were ſufficient to open the eyes of the nation, and to prove their intention of reducing, for ever, both the king and the people under the arbitrary power of a very narrow ariſtocracy, which muſt at laſt have terminated either in anarchy, or in a violent uſurpation and tyranny. They pretended that they had not yet digeſted all the regulations neceſſary for the reformation of the ſtate and for the redreſs of grievances; and they muſt ſtill retain their power till that great purpoſe were thoroughly effected: in other words, that they muſt be perpetual governors, and muſt continue to reform till they were pleaſed to abdicate their authority. They formed an aſſociation among themſelves, and ſwore

that they would ſtand by each other with their lives and fortunes: they diſplaced all the chief officers of the crown, the juſticiary, the chancellor, the treaſurer; and advanced either themſelves or their own creatures in their place: even the offices of the king's houſehold were diſpoſed of at their pleaſure: the government of all the caſtles was put into hands in whom they found reaſon to confide: and, the whole power of the ſtate being thus transferred to them, they ventured to impoſe an oath, by which all the ſubjects were obliged to ſwear, under the penalty of being declared public enemies, that they would obey and execute all the regulations, both known and unknown, of the twenty-four barons: and all this for the greater glory of God, the honour of the church, the ſervice of the king, and the advantage of the kingdom.[l] No one dared to withſtand this tyrannical authority: prince Edward himſelf, the king's eldeſt ſon, a youth of eighteen, who began to give indications of that great and manly ſpirit which appeared throughout the whole courſe of his life, was, after making ſome oppoſition, conſtrained to take that oath, which really depoſed his father and his family from ſovereign authority.[m] Earl Warrenne was the laſt perſon in the kingdom that could be brought to give the confederated barons this mark of ſubmiſſion.

But the twenty-four barons, not content with the uſurpation of the royal power, introduced an innovation in the conſtitution of parliament which was of the utmoſt importance. They ordained that this aſſembly ſhould chooſe a committee of twelve perſons, who ſhould, in the intervals of the ſeſſions, poſſeſs the authority of the whole parliament, and ſhould attend, on a ſummons, the perſon of the king in all his motions. But ſo powerful were theſe barons that this regulation was alſo ſubmitted to; the whole government was overthrown, or fixed on new foundations; and the monarchy was totally ſubverted, without its

being poſſible for the king to ſtrike a ſingle ſtroke in defence of the conſtitution againſt the newly-elected oligarchy.

The report that the king of the Romans intended to pay a viſit to England gave alarm to the ruling barons, who dreaded leſt the extenſive influence and eſtabliſhed authority of that prince would be employed to reſtore the prerogatives of his family, and overturn their plan of government.[n] They ſent over the biſhop of Worceſter, who met him at St. Omars; aſked him, in the name of the barons, the reaſon of his journey, and how long he intended to ſtay in England; and inſiſted that, before he entered the kingdom, he ſhould ſwear to obſerve the regulations eſtabliſhed at Oxford. On Richard's refuſal to take this oath they prepared to reſiſt him as a public enemy; they fitted out a fleet; aſſembled an army; and, exciting the inveterate prejudices of the people againſt foreigners, from whom they had ſuffered ſo many oppreſſions, ſpread the report that Richard, attended by a number of ſtrangers, meant to reſtore by force the authority of his exiled brothers, and to violate all the ſecurities provided for public liberty. The king of the Romans was at laſt obliged to ſubmit to the terms required of him.[o]

But the barons, in proportion to their continuance in power, began gradually to loſe that popularity which had aſſiſted them in obtaining it; and men repined that regulations, which were occaſionally eſtabliſhed for the reformation of the ſtate, were likely to become perpetual, and to ſubvert entirely the ancient conſtitution. They were apprehenſive leſt the power of the nobles, always oppreſſive, ſhould now exert itſelf without control, by removing the counterpoiſe of the crown; and their fears were increaſed by ſome new edicts of the barons, which were plainly calculated to procure to themſelves an impunity in all their violences. They appointed that the circuits of the itinerant juſtices, the ſole check on their arbitrary conduct, ſhould

be held only once in ſeven years; and men eaſily ſaw that a remedy, which returned after ſuch long intervals, againſt an oppreſſive power, which was perpetual, would prove totally inſignificant and uſeleſs.[p] The cry became loud in the nation that the barons ſhould finiſh their intended regulations. The knights of the ſhires, who ſeem now to have been pretty regularly aſſembled, and ſometimes in a ſeparate houſe, made remonſtrances againſt the ſlowneſs of their proceedings. They repreſented that, though the king had performed all the conditions required of him, the barons had hitherto done nothing for the public good, and had only been careful to promote their own private advantage, and to make inroads on royal authority; and they even appealed to prince Edward, and claimed his interpoſition for the intereſts of the nation and the reformation of the government.[q] The prince replied that, though it was from conſtraint, and contrary to his private ſentiments, he had ſworn to maintain the proviſions of Oxford, he was determined to obſerve his oath: but he ſent a meſſage to the barons, requiring them to bring their undertaking to a ſpeedy concluſion, and fulfil their engagements to the public; otherwiſe he menaced them that, at the expenſe of his life, he would oblige them to do their duty, and would ſhed the laſt drop of his blood in promoting the intereſts and ſatisfying the juſt wiſhes of the nation.[r]

The barons, urged by ſo preſſing a neceſſity, publiſhed at laſt a new code of ordinances for the reformation of the ſtate.[s] But the expectations of the people were extremely diſappointed when they found that theſe conſiſted only of ſome trivial alterations in the municipal law; and ſtill more when the barons pretended that the taſk was not yet finiſhed, and that they muſt farther prolong their authority, in order to bring the work of reformation to the deſired period. The current of popularity was now much turned to the ſide of the crown; and the barons

had little to rely on for their ſupport beſides the private influence and power of their families, which, though exorbitant, was likely to prove inferior to the combination of king and people. Even this baſis of power was daily weakened by their inteſtine jealouſies and animoſities. Their ancient and inveterate quarrels broke out when they came to ſhare the ſpoils of the crown; and the rivalſhip between the earls of Leiceſter and Gloceſter, the chief leaders among them, began to diſjoint the whole confederacy. The latter, more moderate in his pretenſions, was deſirous of ſtopping or retarding the career of the barons' uſurpations: but the former, enraged at the oppoſition which he met with in his own party, pretended to throw up all concern in Engliſh affairs; and he retired into France.[t]

The kingdom of France, the only ſtate with which England had any conſiderable intercourſe, was at this time governed by Lewis IX, a prince of the moſt ſingular character that is to be met with in all records of hiſtory. This monarch united, to the mean and abject ſuperſtition of a monk, all the courage and magnanimity of the greateſt hero; and, what may be deemed more extraordinary, the juſtice and integrity of a diſintereſted patriot, the mildneſs and humanity of an accompliſhed philoſopher. So far from taking advantage of the diviſions among the Engliſh, or attempting to expel thoſe dangerous rivals from the provinces which they ſtill poſſeſſed in France, he had entertained many ſcruples with regard to the ſentence of attainder pronounced againſt the king's father; had even expreſſed ſome intention of reſtoring the other provinces; and was only prevented from taking that imprudent reſolution by the united remonſtrances of his own barons, who repreſented the extreme danger of ſuch a meaſure,[u] and, what had a greater influence on Lewis, the juſtice of puniſhing, by a legal ſentence, the barbarity and felony of John. Whenever this prince interpoſed in Engliſh af-

fairs, it was always with an intention of compoſing the differences between the king and his nobility; he recommended to both parties every peaceable and reconciling meaſure; and he uſed all his authority with the earl of Leiceſter, his native ſubject, to bend him to a compliance with Henry. He made a treaty with England at a time when the diſtractions of that kingdom were at the greateſt height, and when the king's authority was totally annihilated; and the terms which he granted might, even in a more proſperous ſtate of their affairs, be deemed reaſonable and advantageous to the Engliſh. He yielded up ſome territories, which had been conquered from Poictou and Guienne; he enſured the peaceable poſſeſſion of the latter province to Henry; he agreed to pay that prince a large ſum of money; and he only required that the king ſhould, in return, make a final ceſſion of Normandy, and the other provinces, which he could never entertain any hopes of recovering by force [w] of arms. This ceſſion was ratified by Henry, by his two ſons and two daughters, and by the king of the Romans and his three ſons; Leiceſter alone, either moved by a vain arrogance, or deſirous to ingratiate himſelf with the Engliſh populace, proteſted againſt the deed, and inſiſted on the right, however diſtant, which might accrue to his conſort.[x] Lewis ſaw, in this obſtinacy, the unbounded ambition of the man; and, as the barons inſiſted that the money due by treaty ſhould be at their diſpoſal, not at Henry's, he alſo ſaw, and probably with regret, the low condition to which this monarch, who had more erred from weakneſs than from any bad intentions, was reduced by the turbulence of his own ſubjects.

But the ſituation of Henry ſoon after wore a more favourable aſpect. The twenty-four barons had now enjoyed the ſovereign power near three years; and had viſibly employed it, not for the reformation of the ſtate, which was their firſt pretence, but

for the aggrandizement of themſelves and of their families. The breach of truſt was apparent to all the world; every order of men felt it, and murmured againſt it; the diſſenſions among the barons themſelves, which increaſed the evil, made alſo the remedy more obvious and eaſy; and the ſecret deſertion, in particular, of the earl of Gloceſter to the crown, ſeemed to promiſe Henry certain ſucceſs in any attempt to reſume his authority. Yet durſt he not take that ſtep, ſo reconcileable both to juſtice and policy, without making a previous application to Rome, and deſiring an abſolution from his oaths and engagements.[y]

The pope was at this time much diſſatisfied with the conduct of the barons; who, in order to gain the favour of the people and clergy of England, had expelled all the Italian eccleſiaſtics; had confiſcated their benefices; and ſeemed determined to maintain the liberties and privileges of the Engliſh church, in which the rights of patronage belonging to their own families were included. The extreme animoſity of the Engliſh clergy againſt the Italians was alſo a ſource of his diſguſt to this order; and an attempt which had been made by them for farther liberty, and greater independence on the civil power, was therefore leſs acceptable to the court of Rome.[z] About the ſame time that the barons at Oxford had annihilated the prerogatives of the monarchy, the clergy met in a ſynod at Merton, and paſſed ſeveral ordinances, which were no leſs calculated to promote their own grandeur at the expenſe of the crown. They decreed that it was unlawful to try eccleſiaſtics by ſecular judges; that the clergy were not to regard any prohibitions from civil courts; that lay patrons had no right to confer ſpiritual benefices; that the magiſtrate was obliged, without farther inquiry, to impriſon all excommunicated perſons; and that ancient uſage, without any particular grant or charter, was a ſufficient authority for

any clerical poſſeſſions or privileges.[a] About a century before, theſe claims would have been ſupported by the court of Rome beyond the moſt fundamental articles of faith; they were the chief points maintained by the great martyr Becket; and his reſolution in defending them had exalted him to the high ſtation which he held in the catalogue of Romiſh ſaints. But principles were changed with the times; the pope was become ſomewhat jealous of the great independence of the Engliſh clergy, which made them ſtand leſs in need of his protection, and even emboldened them to reſiſt his authority, and to complain of the preference given to the Italian courtiers, whoſe intereſts, it is natural to imagine, were the chief object of his concern. He was ready, therefore, on the king's application, to annul theſe new conſtitutions of the church of England;[b] and at the ſame time he abſolved the king and all his ſubjects from the oath which they had taken to obſerve the proviſions of Oxford.[c]

PRINCE EDWARD. 1261.

Prince Edward, whoſe liberal mind, though in ſuch early youth, had taught him the great prejudice which his father had incurred by his levity, inconſtancy, and frequent breach of promiſe, refuſed for a long time to take advantage of this abſolution; and declared that the proviſions of Oxford, how unreaſonable ſoever in themſelves, and how much ſoever abuſed by the barons, ought ſtill to be adhered to by thoſe who had ſworn to obſerve them.[d] He himſelf had been conſtrained by violence to take that oath; yet was he determined to keep it. By this ſcrupulous fidelity the prince acquired the confidence of all parties, and was afterwards enabled to recover fully the royal authority, and to perform ſuch great actions, both during his own reign and that of his father.

The ſituation of England during this period, as well as that of moſt European kingdoms, was ſomewhat peculiar. There was no regular military force maintained in the nation: the ſword, however, was not, properly ſpeaking, in the hands of the people: the barons were alone intruſted with the defence of the community; and, after any effort which they made, either againſt their own prince or againſt foreigners, as the military retainers departed home, the armies were diſbanded, and could not ſpeedily be reaſſembled at pleaſure. It was eaſy, therefore, for a few barons, by a combination, to get the ſtart of the other party, to collect ſuddenly their troops, and to appear unexpectedly in the field with an army, which their antagoniſts, though equal, or even ſuperior, in power and intereſt, would not dare to encounter. Hence the ſudden revolutions which often took place in thoſe governments; hence the frequent victories obtained without a blow by one faction over the other; and hence it happened that the ſeeming prevalence of a party was ſeldom a prognoſtic of its long continuance in power and authority.

The king, as ſoon as he received the pope's abſolution from his oath, accompanied with menaces of excommunication againſt all opponents, truſting to the countenance of the church, to the ſupport promiſed him by many conſiderable barons, and to the returning favour of the people, immediately took off the maſk. After juſtifying his conduct by a proclamation, in which he ſet forth the private ambition, and the breach of truſt, conſpicuous in Leiceſter and his aſſociates, he declared that he had reſumed the government, and was determined thenceforth to exert the royal authority for the protection of his ſubjects. He removed Hugh le Deſpenſer and Nicholas de Ely, the juſticiary and chancellor appointed by the barons; and put Philip Baſſet and Walter de Merton in their place. He ſubſtituted new ſheriffs in all the counties, men of character and honour; he placed new gover-

nors in moſt of the caſtles; he changed all the officers of his houſehold; he ſummoned a parliament, in which the reſumption of his authority was ratified, with only five diſſenting voices; and the barons, after making one fruitleſs effort to take the king by ſurpriſe at Wincheſter, were obliged to acquieſce in thoſe new regulations.[e]

The king, in order to cut off every objection to his conduct, offered to refer all the differences between him and the earl of Leiceſter to Margaret queen of France.[f] The celebrated integrity of Lewis gave a mighty influence to any deciſion which iſſued from his court; and Henry probably hoped that the gallantry, on which all barons, as true knights, valued themſelves, would make them aſhamed not to ſubmit to the award of that princeſs. Lewis merited the confidence repoſed in him. By an admirable conduct, probably as political as juſt, he continually interpoſed his good offices to allay the civil diſcords of the Engliſh; he forwarded all healing meaſures which might give ſecurity to both parties; and he ſtill endeavoured, though in vain, to ſooth by perſuaſion the fierce ambition of the earl of Leiceſter, and to convince him how much it was his duty to ſubmit peaceably to the authority of his ſovereign.

CIVIL WARS OF THE BARONS. 1263.

THAT bold and artful conſpirator was nowiſe diſcouraged by the bad ſucceſs of his paſt enterpriſes. The death of Richard earl of Gloceſter, who was his chief rival in power, and who before his deceaſe had joined the royal party, ſeemed to open a new field to his violence, and to expoſe the throne to freſh inſults and injuries. It was in vain that the king profeſſed his intentions of obſerving ſtrictly the Great Charter, even of maintaining all the regulations made by the reforming barons at

Oxford or afterwards, except thoſe which entirely annihilated the royal authority; theſe powerful chieftains, now obnoxious to the court, could not peaceably reſign the hopes of entire independence and uncontrolled power, with which they had flattered themſelves, and which they had ſo long enjoyed. Many of them engaged in Leiceſter's views; and among the reſt Gilbert, the young earl of Gloceſter, who brought him a mighty acceſſion of power from the extenſive authority poſſeſſed by that opulent family. Even Henry, ſon of the king of the Romans, commonly called Henry d'Allmaine, though a prince of the blood, joined the party of the barons againſt the king, the head of his own family. Leiceſter himſelf, who ſtill reſided in France, ſecretly formed the links of this great conſpiracy, and planned the whole ſcheme of operations.

The princes of Wales, notwithſtanding the great power of the monarchs, both of the Saxon and Norman line, ſtill preſerved authority in their own country. Though they had often been conſtrained to pay tribute to the crown of England, they were with difficulty retained in ſubordination, or even in peace; and, almoſt through every reign ſince the conqueſt, they had infeſted the Engliſh frontiers with ſuch petty incurſions and ſudden inroads as ſeldom merit to have place in a general hiſtory. The Engliſh, ſtill content with repelling their invaſions, and chaſing them back into their mountains, had never purſued the advantages obtained over them, nor been able, even under their greateſt and moſt active princes, to fix a total, or ſo much as a feudal, ſubjection on the country. This advantage was reſerved to the preſent king, the weakeſt and moſt indolent. In the year 1237 Lewellyn prince of Wales, declining in years and broken with infirmities, but ſtill more haraſſed with the rebellion and undutiful behaviour of his youngeſt ſon Griffin, had recourſe to the protection of Henry; and, conſenting to ſubject his princi-

pality, which had ſo long maintained, or ſoon recovered, its independence, to vaſſalage under the crown of England, had purchaſed ſecurity and tranquillity on theſe diſhonourable terms. His eldeſt ſon and heir, David, renewed the homage to England; and, having taken his brother priſoner, delivered him into Henry's hands, who committed him to cuſtody in the tower. That prince, endeavouring to make his eſcape, loſt his life in the attempt; and the prince of Wales, freed from the apprehenſions of ſo dangerous a rival, paid thenceforth leſs regard to the Engliſh monarch, and even renewed thoſe incurſions by which the Welſh, during ſo many ages, had been accuſtomed to infeſt the Engliſh borders. Lewellyn, however, the ſon of Griffin, who ſucceeded to his uncle, had been obliged to renew the homage, which was now claimed by England as an eſtabliſhed right; but he was well pleaſed to inflame thoſe civil diſcords, on which he reſted his preſent ſecurity, and founded his hopes of future independence. He entered into a confederacy with the earl of Leiceſter, and, collecting all the force of his principality, invaded England with an army of thirty thouſand men. He ravaged the lands of Roger de Mortimer, and of all the barons who adhered to the crown;[g] he marched into Cheſhire, and committed like depredations on prince Edward's territories; every place where his diſorderly troops appeared was laid waſte with fire and ſword; and, though Mortimer, a gallant and expert ſoldier, made ſtout reſiſtance, it was found neceſſary that the prince himſelf ſhould head the army againſt this invader. Edward repulſed prince Lewellyn, and obliged him to take ſhelter in the mountains of North Wales: but he was prevented from making farther progreſs againſt the enemy by the diſorders which ſoon after broke out in England.

The Welſh invaſion was the appointed ſignal for the malcontent barons to riſe in arms; and Leiceſter, coming over ſecretly

from France, collected all the forces of his party, and commenced an open rebellion. He ſeized the perſon of the biſhop of Hereford; a prelate obnoxious to all the inferior clergy on account of his devoted attachment to the court of Rome.[h] Simon biſhop of Norwich, and John Manſel, becauſe they had publiſhed the pope's bull, abſolving the king and kingdom from their oaths to obſerve the proviſions of Oxford, were made priſoners, and expoſed to the rage of the party. The king's demeſnes were ravaged with unbounded fury;[i] and, as it was Leiceſter's intereſt to allure to his ſide, by the hopes of plunder, all the diſorderly ruffians in England, he gave them a general licenſe to pillage the barons of the oppoſite party, and even all neutral perſons. But one of the principal reſources of his faction was the populace of the cities, particularly of London; and, as he had, by his hypocritical pretenſions to ſanctity and his zeal againſt Rome, engaged the monks and lower eccleſiaſtics in his party, his dominion over the inferior ranks of men became uncontrollable. Thomas Fitz Richard, mayor of London, a furious and licentious man, gave the countenance of authority to theſe diſorders in the capital; and, having declared war againſt the ſubſtantial citizens, he looſened all the bands of government, by which that turbulent city was commonly but ill reſtrained. On the approach of Eaſter, the zeal of ſuperſtition, the appetite for plunder, or (what is often as prevalent with the populace as either of theſe motives) the pleaſure of committing havoc and deſtruction, prompted them to attack the unhappy Jews, who were firſt pillaged without reſiſtance, then maſſacred, to the number of five hundred perſons.[k] The Lombard bankers were next expoſed to the rage of the people; and, though, by taking ſanctuary in the churches, they eſcaped with their lives, all their money and goods became a prey to the licentious multitude. Even the houſes of the rich citizens, though Engliſh, were at-

tacked by night; and way was made by ſword and by fire to the pillage of their goods, and often to the deſtruction of their perſons. The queen, who, though defended by the tower, was terrified by the neighbourhood of ſuch dangerous commotions, reſolved to go by water to the caſtle of Windſor; but, as ſhe approached the bridge, the populace aſſembled againſt her; the cry ran, 'Drown the witch;' and, beſides abuſing her with the moſt opprobrious language, and pelting her with rotten eggs and dirt, they had prepared large ſtones to ſink her barge when ſhe ſhould attempt to ſhoot the bridge; and ſhe was ſo frightened that ſhe returned to the tower.[l]

The violence and fury of Leiceſter's faction had riſen to ſuch a height in all parts of England that the king, unable to reſiſt their power, was obliged to ſet on foot a treaty of peace, and to make an accommodation with the barons on the moſt diſadvantageous terms.[m] He agreed to confirm anew the proviſions of Oxford, even thoſe which entirely annihilated the royal authority; and the barons were again reinſtated in the ſovereignty of the kingdom. They reſtored Hugh le Deſpenſer to the office of chief juſticiary; they appointed their own creatures ſheriffs in every county of England; they took poſſeſſion of all the royal caſtles and fortreſſes; they even named all the officers of the king's houſehold; and they ſummoned a parliament to meet at Weſtminſter, in order to ſettle more fully their plan of government. They here produced a new liſt of twenty-four barons, to whom they propoſed that the adminiſtration ſhould be entirely committed; and they inſiſted that the authority of this junto ſhould continue, not only during the reign of the king, but alſo during that of prince Edward.

This prince, the life and ſoul of the royal party, had unhappily, before the king's accommodation with the barons, been taken priſoner by Leiceſter in a parley at Windſor;[n] and that

misfortune, more than any other incident, had determined Henry to ſubmit to the ignominious conditions impoſed upon him. But Edward, having recovered his liberty by the treaty, employed his activity in defending the prerogatives of his family; and he gained a great party, even among thoſe who had at firſt adhered to the cauſe of the barons. His couſin Henry d'Allmaine, Roger Bigod earl mareſhal, earl Warrenne, Humphrey Bohun earl of Hereford, John lord Baſſet, Ralph Baſſet, Hamond l'Eſtrange, Roger Mortimer, Henry de Piercy, Robert de Brus, Roger de Leybourne, with almoſt all the lords marchers, as they were called, on the borders of Wales and of Scotland, the moſt warlike parts of the kingdom, declared in favour of the royal cauſe; and hoſtilities, which were ſcarcely well compoſed, were again renewed in every part of England. But the near balance of the parties, joined to the univerſal clamour of the people, obliged the king and barons to open anew the negociations for peace; and it was agreed by both ſides to ſubmit their differences to the arbitration of the king of France.°

REFERENCE TO THE KING OF FRANCE. 1264.

This virtuous prince, the only man who in like circumſtances could ſafely have been intruſted with ſuch an authority by a neighbouring nation, had never ceaſed to interpoſe his good offices between the Engliſh factions; and had even, during the ſhort interval of peace, invited over to Paris both the king and the earl of Leiceſter, in order to accommodate the differences between them; but found that the fears and animoſities on both ſides, as well as the ambition of Leiceſter, were ſo violent as to render all his endeavours ineffectual. But, when this ſolemn appeal, ratified by the oaths and ſubſcriptions of the leaders in both factions, was made to his judgment, he was not diſcou-

raged from purſuing his honourable purpoſe. He ſummoned the ſtates of France at Amiens; and there, in the preſence of that aſſembly, as well as in that of the king of England and Peter de Mountfort, Leiceſter's ſon, he brought this great cauſe to a trial and examination. It appeared to him that the proviſions of Oxford, even had they not been extorted by force, had they not been ſo exorbitant in their nature, and ſubverſive of the ancient conſtitution, were expreſsly eſtabliſhed as a temporary expedient, and could not, without breach of truſt, be rendered perpetual by the barons. He therefore annulled theſe proviſions; reſtored to the king the poſſeſſion of his caſtles, and the power of nomination to the great offices; allowed him to retain what foreigners he pleaſed in his kingdom, and even to confer on them places of truſt and dignity; and, in a word, reeſtabliſhed the royal power in the ſame condition on which it ſtood before the meeting of the parliament at Oxford. But, while he thus ſuppreſſed dangerous innovations, and preſerved unimpaired the prerogatives of the Engliſh crown, he was not negligent of the rights of the people; and, beſides ordering that a general amneſty ſhould be granted for all paſt offences, he declared that his award was not anywiſe meant to derogate from the privileges and liberties which the nation enjoyed by any former conceſſions or charters of the crown.[p]

RENEWAL OF THE CIVIL WARS.

This equitable ſentence was no ſooner known in England than Leiceſter and his confederates determined to reject it, and to have recourſe to arms, in order to procure to themſelves more ſafe and advantageous conditions.[q] Without regard to his oaths and ſubſcriptions, that enterpriſing conſpirator directed his two ſons, Richard and Peter de Mountfort, in conjunction with Robert

de Ferrars earl of Derby, to attack the city of Worceſter; while Henry and Simon de Mountfort, two others of his ſons, aſſiſted by the prince of Wales, were ordered to lay waſte the eſtate of Roger de Mortimer. He himſelf reſided at London; and, employing as his inſtrument Fitz Richard the ſeditious mayor, who had violently and illegally prolonged his authority, he wrought up that city to the higheſt ferment and agitation. The populace formed themſelves into bands and companies; choſe leaders; practiſed all military exerciſes; committed violence on the royaliſts; and, to give them greater countenance in their diſorders, an aſſociation was entered into between the city and eighteen great barons, never to make peace with the king but by common conſent and approbation. At the head of thoſe who ſwore to maintain this aſſociation were the earls of Leiceſter, Gloceſter, and Derby, with le Deſpenſer the chief juſticiary; men who had all previouſly ſworn to ſubmit to the award of the French monarch. Their only pretence for this breach of faith was, that the latter part of Lewis's ſentence was, as they affirmed, a contradiction to the former: he ratified the charter of liberties, yet annulled the proviſions of Oxford; which were only calculated, as they maintained, to preſerve that charter, and without which, in their eſtimation, they had no ſecurity for its obſervance.

The king and prince, finding a civil war inevitable, prepared themſelves for defence; and, ſummoning the military vaſſals from all quarters, and being reinforced by Baliol lord of Galloway, Brus lord of Annandale, Henry Piercy, John Comyn,[r] and other barons of the north, they compoſed an army, formidable as well from its numbers as its military proweſs and experience. The firſt enterpriſe of the royaliſts was the attack of Northampton, which was defended by Simon de Mountfort, with many of the principal barons of that party: and, a breach being made in

the walls by Philip Baſſet, the place was carried by aſſault, and both the governor and the garriſon were made priſoners. The royaliſts marched thence to Leiceſter and Nottingham; both which places having opened their gates to them, prince Edward proceeded with a detachment into the county of Derby, in order to ravage with fire and ſword the lands of the earl of that name, and take revenge on him for his diſloyalty. Like maxims of war prevailed with both parties throughout England; and the kingdom was thus expoſed in a moment to greater devaſtation, from the animoſities of the rival barons, than it would have ſuffered from many years of foreign or even domeſtic hoſtilities, conducted by more humane and more generous principles.

The earl of Leiceſter, maſter of London, and of the counties in the ſouth-eaſt of England, formed the ſiege of Rocheſter, which alone declared for the king in thoſe parts; and which, beſides earl Warrenne the governor, was garriſoned by many noble and powerful barons of the royal party. The king and prince haſtened from Nottingham, where they were then quartered, to the relief of the place; and on their approach Leiceſter raiſed the ſiege, and retreated to London; which, being the centre of his power, he was afraid might, in his abſence, fall into the king's hands, either by force or by a correſpondence with the principal citizens, who were all ſecretly inclined to the royal cauſe. Reinforced by a great body of Londoners, and having ſummoned his partiſans from all quarters, he thought himſelf ſtrong enough to hazard a general battle with the royaliſts, and to determine the fate of the nation in one great engagement; which, if it proved ſucceſsful, muſt be deciſive againſt the king, who had no retreat for his broken troops in thoſe parts; while Leiceſter himſelf, in caſe of any ſiniſter accident, could eaſily take ſhelter in the city. To give the better colour-

ing to his cauſe, he previouſly ſent a meſſage with conditions of peace to Henry, ſubmiſſive in the language, but exorbitant in the demands;* and, when the meſſenger returned with the lie and defiance from the king, the prince, and the king of the Romans, he ſent a new meſſage, renouncing, in the name of himſelf and of the aſſociated barons, all fealty and allegiance to Henry. He then marched out of the city with his army, divided into four bodies: the firſt commanded by his two ſons Henry and Guy de Mountfort, together with Humphrey de Bohun earl of Hereford, who had deſerted to the barons; the ſecond led by the earl of Gloceſter, with William de Montcheſney and John Fitz John; the third, compoſed of Londoners, under the command of Nicholas de Segrave; the fourth headed by himſelf in perſon. The biſhop of Chicheſter gave a general abſolution to the army, accompanied with aſſurances that, if any of them fell in the enſuing action, they would infallibly be received into heaven, as the reward of their ſuffering in ſo meritorious a cauſe.

BATTLE OF LEWES.

Leicester, who poſſeſſed great talents for war, conducted his march with ſuch ſkill and ſecreſy, that he had well nigh ſurpriſed the royaliſts in their quarters at Lewes in Suſſex: but the vigilance and activity of prince Edward ſoon repaired this negligence; and he led out the king's army to the field in three bodies. He himſelf conducted the van, attended by earl Warrenne and William de Valence; the main body was commanded by the king of the Romans and his ſon Henry; the king himſelf was placed in the rear at the head of his principal nobility. Prince Edward ruſhed upon the Londoners, who had demanded the poſt of honour in leading the rebel army; but who, from

their ignorance of diſcipline and want of experience, were ill fitted to reſiſt the gentry and military men, of whom the prince's body was compoſed. They were broken in an inſtant; were chaſed off the field; and Edward, tranſported by his martial ardour, and eager to revenge the inſolence of the Londoners againſt his mother,[t] put them to the ſword for the length of four miles, without giving them any quarter, and without reflecting on the fate which in the mean time attended the reſt of the army. The earl of Leiceſter, ſeeing the royaliſts thrown into confuſion by their eagerneſs in the purſuit, led on his remaining troops againſt the bodies commanded by the two royal brothers: he defeated with great ſlaughter the forces headed by the king of the Romans; and that prince was obliged to yield himſelf priſoner to the earl of Gloceſter: he penetrated to the body where the king himſelf was placed, threw it into diſorder, purſued his advantage, chaſed it into the town of Lewes, and obliged Henry to ſurrender himſelf priſoner.[u]

Prince Edward, returning to the field of battle from his precipitate purſuit of the Londoners, was aſtoniſhed to find it covered with the dead bodies of his friends; and ſtill more to hear that his father and uncle were defeated and taken priſoners; and that Arundel, Comyn, Brus, Hamond l'Eſtrange, Roger Leybourne, and many conſiderable barons of his party, were in the hands of the victorious enemy. Earl Warrenne, Hugh Bigod, and William de Valence, ſtruck with deſpair at this event, immediately took to flight, hurried to Pevencey, and made their eſcape beyond ſea;[w] but the prince, intrepid amidſt the greateſt diſaſters, exhorted his troops to revenge the death of their friends, to relieve the royal captives, and to ſnatch an eaſy conqueſt from an enemy diſordered by their own victory.[x] He found his followers intimidated by their ſituation; while Leiceſter, afraid of a ſudden and violent blow from the prince,

amuſed him by a feigned negociation, till he was able to recall his troops from the purſuit, and bring them into order.[y] There now appeared no farther reſource to the royal party; ſurrounded by the armies and garriſons of the enemy, deſtitute of forage and proviſions, and deprived of their ſovereign, as well as of their principal leaders, who could alone inſpirit them to an obſtinate reſiſtance. The prince, therefore, was obliged to ſubmit to Leiceſter's terms, which were ſhort and ſevere, agreeably to the ſuddenneſs and neceſſity of the ſituation. He ſtipulated that he and Henry d'Allmaine ſhould ſurrender themſelves priſoners as pledges in lieu of the two kings; that all other priſoners on both ſides ſhould be releaſed;[z] and that, in order to ſettle fully the terms of agreement, application ſhould be made to the king of France; that he ſhould name ſix Frenchmen, three prelates and three noblemen; theſe ſix to chooſe two others of their own country; and theſe two to chooſe one Engliſhman, who, in conjunction with themſelves, were to be inveſted by both parties with full powers to make what regulations they thought proper for the ſettlement of the kingdom. The prince and young Henry accordingly delivered themſelves into Leiceſter's hands, who ſent them under a guard to Dover caſtle. Such are the terms of agreement, commonly called 'the Miſe of Lewes,' from an obſolete French term of that meaning; for it appears that all the gentry and nobility of England, who valued themſelves on their Norman extraction, and who diſdained the language of their native country, made familiar uſe of the French tongue till this period, and for ſome time after.

Leiceſter had no ſooner obtained this great advantage, and gotten the whole royal family in his power, than he openly violated every article of the treaty, and acted as ſole maſter, and even tyrant, of the kingdom. He ſtill detained the king in effect a priſoner, and made uſe of that prince's authority to purpoſes

the moſt prejudicial to his intereſts, and the moſt oppreſſive of his people.[a] He every where diſarmed the royaliſts, and kept all his own partiſans in a military poſture.[b] He obſerved the ſame partial conduct in the deliverance of the captives, and even threw many of the royaliſts into priſon beſides thoſe who were taken in the battle of Lewes. He carried the king from place to place, and obliged all the royal caſtles, on pretence of Henry's commands, to receive a governor and garriſon of his own appointment. All the officers of the crown and of the houſehold were named by him; and the whole authority, as well as arms of the ſtate, was lodged in his hands. He inſtituted in the counties a new kind of magiſtracy, endowed with new and arbitrary powers, that of conſervators of the peace.[c] His avarice appeared barefaced, and might induce us to queſtion the greatneſs of his ambition, at leaſt the largeneſs of his mind, if we had not reaſon to think that he intended to employ his acquiſitions as the inſtruments for attaining farther power and grandeur. He ſeized the eſtates of no leſs than eighteen barons, as his ſhare of the ſpoil gained in the battle of Lewes: he engroſſed to himſelf the ranſom of all the priſoners; and told his barons, with a wanton inſolence, that it was ſufficient for them that he had ſaved them by that victory from the forfeitures and attainders which hung over them:[d] he even treated the earl of Gloceſter in the ſame injurious manner, and applied to his own uſe the ranſom of the king of the Romans, who in the field of battle had yielded himſelf priſoner to that nobleman. Henry, his eldeſt ſon, made a monopoly of all the wool in the kingdom, the only valuable commodity for foreign markets which it at that time produced.[e] The inhabitants of the cinque ports, during the preſent diſſolution of government, betook themſelves to the moſt licentious piracy, preyed on the ſhips of all nations, threw the mariners into the ſea, and by theſe practices ſoon

baniſhed all merchants from the Engliſh coaſts and harbours. Every foreign commodity roſe to an exorbitant price; and woollen cloth, which the Engliſh had not then the art of dying, was worn by them white, and without receiving the laſt hand of the manufacturer. In anſwer to the complaints which aroſe on this occaſion, Leiceſter replied that the kingdom could well enough ſubſiſt within itſelf, and needed no intercourſe with foreigners. And it was found that he even combined with the pirates of the cinque ports, and received as his ſhare the third of their prizes.[f]

No farther mention was made of the reference to the king of France, ſo eſſential an article in the agreement of Lewes; and Leiceſter ſummoned a parliament, compoſed altogether of his own partiſans, in order to rivet, by their authority, that power which he had acquired by ſo much violence, and which he uſed with ſo much tyranny and injuſtice. An ordinance was there paſſed, to which the king's conſent had been previouſly extorted, that every act of royal power ſhould be exerciſed by a council of nine perſons, who were to be choſen and removed by the majority of three; Leiceſter himſelf, the earl of Gloceſter, and the biſhop of Chicheſter.[g] By this intricate plan of government the ſceptre was really put into Leiceſter's hands; as he had the entire direction of the biſhop of Chicheſter, and thereby commanded all the reſolutions of the council of three, who could appoint or diſcard at pleaſure every member of the ſupreme council.

But it was impoſſible that things could long remain in this ſtrange ſituation. It behoved Leiceſter either to deſcend with ſome peril into the rank of a ſubject, or to mount up with no leſs into that of a ſovereign; and his ambition, unreſtrained either by fear or by principle, gave too much reaſon to ſuſpect him of the latter intention. Meanwhile he was expoſed to

anxiety from every quarter, and felt that the ſmalleſt incident was capable of overturning that immenſe and ill-cemented fabric which he had reared. The queen, whom her huſband had left abroad, had collected in foreign parts an army of deſperate adventurers, and had aſſembled a great number of ſhips, with a view of invading the kingdom, and of bringing relief to her unfortunate family. Lewis, deteſting Leiceſter's uſurpations and perjuries, and diſguſted at the Engliſh barons, who had refuſed to ſubmit to his award, ſecretly favoured all her enterpriſes, and was generally believed to be making preparations for the ſame purpoſe. An Engliſh army, by the pretended authority of the captive king, was aſſembled on the ſea coaſt to oppoſe this projected invaſion;[h] but Leiceſter owed his ſafety more to croſs winds, which long detained and at laſt diſperſed and ruined the queen's fleet, than to any reſiſtance which, in their preſent ſituation, could have been expected from the Engliſh.

Leiceſter found himſelf better able to reſiſt the ſpiritual thunders which were levelled againſt him. The pope, ſtill adhering to the king's cauſe againſt the barons, diſpatched cardinal Guido as his legate into England, with orders to excommunicate, by name, the three earls, Leiceſter, Gloceſter, and Norfolk, and all others in general, who concurred in the oppreſſion and captivity of their ſovereign.[i] Leiceſter menaced the legate with death if he ſet foot within the kingdom; but Guido, meeting in France the biſhops of Wincheſter, London, and Worceſter, who had been ſent thither on a negociation, commanded them, under the penalty of eccleſiaſtical cenſures, to carry his bull into England, and to publiſh it againſt the barons. When the prelates arrived off the coaſt they were boarded by the piratical mariners of the cinque ports, to whom probably they gave a hint of the cargo which they brought along with them. The bull was torn and thrown into the ſea; which furniſhed the artful prelates with a

plauſible excuſe for not obeying the orders of the legate. Leiceſter appealed from Guido to the pope in perſon; but, before the ambaſſadors appointed to defend his cauſe could reach Rome, the pope was dead; and they found the legate himſelf, from whom they had appealed, ſeated on the papal throne, by the name of Urban IV. That daring leader was nowiſe diſmayed with this incident; and, as he found that a great part of his popularity in England was founded on his oppoſition to the court of Rome, which was now become odious, he perſiſted with the more obſtinacy in the proſecution of his meaſures.

HOUSE OF COMMONS. 1265.

THAT he might both increaſe and turn to advantage his popularity, Leiceſter ſummoned a new parliament in London, where he knew his power was uncontrollable; and he fixed this aſſembly on a more democratical baſis than any which had ever been ſummoned ſince the foundation of the monarchy. Beſides the barons of his own party, and ſeveral eccleſiaſtics, who were not immediate tenants of the crown, he ordered returns to be made of two knights from each ſhire; and, what is more remarkable, of deputies from the boroughs; an order of men which, in former ages, had always been regarded as too mean to enjoy a place in the national councils.* This period is commonly eſteemed the epoch of the houſe of commons in England; and it is certainly the firſt time that hiſtorians ſpeak of any repreſentatives ſent to parliament by the boroughs. In all the general accounts given in preceding times of thoſe aſſemblies, the prelates and barons only are mentioned as the conſtituent members; and, even in the moſt particular narratives delivered of parliamentary tranſactions, (as in the trial of Thomas a Becket, where the events of each day, and almoſt of each

hour, are carefully recorded by contemporary authors[l]) there is not, throughout the whole, the leaſt appearance of a houſe of commons. But, though that houſe derived its exiſtence from ſo precarious, and even ſo invidious, an origin as Leiceſter's uſurpation, it ſoon proved, when ſummoned by the legal princes, one of the moſt uſeful, and, in proceſs of time, one of the moſt powerful, members of the national conſtitution; and gradually reſcued the kingdom from ariſtocratical as well as from regal tyranny. But Leiceſter's policy, if we muſt aſcribe to him ſo great a bleſſing, only forwarded by ſome years an inſtitution, for which the general ſtate of things had already prepared the nation; and it is otherwiſe inconceivable that a plant, ſet by ſo inauſpicious a hand, could have attained to ſo vigorous a growth, and have flouriſhed in the midſt of ſuch tempeſts and convulſions. The feudal ſyſtem, with which the liberty, much more the power, of the commons was totally incompatible, began gradually to decline; and both the king and the commonalty, who felt its inconveniences, contributed to favour this new power, which was more ſubmiſſive than the barons to the regular authority of the crown, and at the ſame time afforded protection to the inferior orders of the ſtate.

Leiceſter, having thus aſſembled a parliament of his own model, and truſting to the attachment of the populace of London, ſeized the opportunity of cruſhing his rivals among the powerful barons. Robert de Ferrars earl of Derby was accuſed in the king's name, ſeized, and committed to cuſtody, without being brought to any legal trial.[m] John Gifford, menaced with the ſame fate, fled from London, and took ſhelter in the borders of Wales. Even the earl of Gloceſter, whoſe power and influence had ſo much contributed to the ſucceſs of the barons, but who of late was extremely diſguſted with Leiceſter's arbitrary conduct, found himſelf in danger from the prevailing authority of

his ancient confederate; and he retired from parliament.[n] This known diſſenſion gave courage to all Leiceſter's enemies and to the king's friends, who were now ſure of protection from ſo potent a leader. Though Roger Mortimer, Hamond l'Eſtrange, and other powerful marchers of Wales, had been obliged to leave the kingdom, their authority ſtill remained over the territories ſubjected to their juriſdiction; and there were many others who were diſpoſed to give diſturbance to the new government. The animoſities inſeparable from the feudal ariſtocracy broke out with freſh violence, and threatened the kingdom with new convulſions and diſorders.

The earl of Leiceſter, ſurrounded with theſe difficulties, embraced a meaſure, from which he hoped to reap ſome preſent advantages, but which proved in the end the ſource of all his future calamities. The active and intrepid prince Edward had languiſhed in priſon ever ſince the fatal battle of Lewes; and, as he was extremely popular in the kingdom, there aroſe a general deſire of ſeeing him again reſtored to liberty.[o] Leiceſter, finding that he could with difficulty oppoſe the concurring wiſhes of the nation, ſtipulated with the prince that, in return, he ſhould order his adherents to deliver up to the barons all their caſtles, particularly thoſe on the borders of Wales; and ſhould ſwear neither to depart the kingdom during three years, nor introduce into it any foreign forces.[p] The king took an oath to the ſame effect; and he alſo paſſed a charter, in which he confirmed the agreement or 'Miſe of Lewes;' and even permitted his ſubjects to riſe in arms againſt him if he ſhould ever attempt to infringe it.[q] So little care did Leiceſter take, though he conſtantly made uſe of the authority of this captive prince, to preſerve to him any appearance of royalty or kingly prerogatives!

In conſequence of this treaty, prince Edward was brought into Weſtminſter-hall, and was declared free by the barons. But,

inſtead of really recovering his liberty, as he had vainly expected, he found that the whole tranſaction was a fraud on the part of Leiceſter; that he himſelf ſtill continued a priſoner at large, and was guarded by the emiſſaries of that nobleman; and that, while the faction reaped all the benefit from the performance of his part of the treaty, care was taken that he ſhould enjoy no advantage by it. As Gloceſter, on his rupture with the barons, had retired for ſafety to his eſtates on the borders of Wales, Leiceſter followed him with an army [r] to Hereford; continued ſtill to menace and negociate; and, that he might add authority to his cauſe, he carried both the king and prince along with him. The earl of Gloceſter here concerted with young Edward the manner of that prince's eſcape. He found means to convey to him a horſe of extraordinary ſwiftneſs; and appointed Roger Mortimer, who had returned into the kingdom, to be ready at hand with a ſmall party to receive the prince, and to guard him to a place of ſafety. Edward pretended to take the air with ſome of Leiceſter's retinue, who were his guards; and, making matches between their horſes, after he thought he had tired and blown them ſufficiently, he ſuddenly mounted Gloceſter's horſe, and called to his attendants, that he had long enough enjoyed the pleaſure of their company, and now bid them adieu. They followed him for ſome time, without being able to overtake him; and the appearance of Mortimer with his company put an end to their purſuit.

BATTLE OF EVESHAM AND DEATH OF LEICESTER.

THE royaliſts, ſecretly prepared for this event, immediately flew to arms; and the joy of this gallant prince's deliverance, the oppreſſions under which the nation laboured, the expectation of a new ſcene of affairs, and the countenance of the earl of

Gloceſter, procured Edward an army which Leiceſter was utterly unable to withſtand. This nobleman found himſelf in a remote quarter of the kingdom; ſurrounded by his enemies; barred from all communication with his friends by the Severn, whoſe bridges Edward had broken down; and obliged to fight the cauſe of his party under theſe multiplied diſadvantages. In this extremity he wrote to his ſon Simon de Mountfort, to haſten from London with an army for his relief; and Simon had advanced to Kenilworth with that view; where, fancying that all Edward's force and attention were directed againſt his father, he lay ſecure and unguarded. But the prince, making a ſudden and forced march, ſurpriſed him in his camp; diſperſed his army; and took the earl of Oxford and many other noblemen priſoners, almoſt without reſiſtance. Leiceſter, ignorant of his ſon's fate, paſſed the Severn in boats during Edward's abſence, and lay at Eveſham, in expectation of being every hour joined by his friends from London; when the prince, who availed himſelf of every favourable moment, appeared in the field before him. Edward made a body of his troops advance from the road which led to Kenilworth, and ordered them to carry the banners taken from Simon's army; while he himſelf, making a circuit with the reſt of his forces, purpoſed to attack the enemy on the other quarter. Leiceſter was long deceived by this ſtratagem, and took one diviſion of Edward's army for his friends; but at laſt, perceiving his miſtake, and obſerving the great ſuperiority and excellent diſpoſition of the royaliſts, he exclaimed that they had learned from him the art of war; adding, 'The Lord have mercy on our ſouls, for I ſee our bodies are the prince's!' The battle immediately began, though on very unequal terms. Leiceſter's army, by living on the mountains of Wales without bread, which was not then much uſed among the inhabitants, had been extremely weakened by ſickneſs and deſertion, and

was ſoon broken by the victorious royaliſts; while his Welſh allies, accuſtomed only to a deſultory kind of war, immediately took to flight, and were purſued with great ſlaughter. Leiceſter himſelf, aſking for quarter, was ſlain in the heat of the action, with his eldeſt ſon Henry, Hugh le Deſpenſer, and about an hundred and ſixty knights, and many other gentlemen of his party. The old king had been purpoſely placed by the rebels in the front of the battle; and, being clad in armour, and thereby not known by his friends, he received a wound, and was in danger of his life: but, crying out, 'I am Henry of Wincheſter, your king,' he was ſaved, and put in a place of ſafety by his ſon, who flew to his reſcue.

The violence, ingratitude, tyranny, rapacity, and treachery, of the earl of Leiceſter, give a very bad idea of his moral character, and make us regard his death as the moſt fortunate event which in this conjuncture could have happened to the Engliſh nation; yet muſt we allow the man to have poſſeſſed great abilities, and the appearance of great virtues, who, though a ſtranger, could, at a time when ſtrangers were the moſt odious and the moſt univerſally decried, have acquired ſo extenſive an intereſt in the kingdom, and have ſo nearly paved his way to the throne itſelf. His military capacity and his political craft were equally eminent; he poſſeſſed the talents both of governing men and conducting buſineſs; and, though his ambition was boundleſs, it ſeems neither to have exceeded his courage nor his genius; and he had the happineſs of making the low populace, as well as the haughty barons, co-operate towards the ſucceſs of his ſelfiſh and dangerous purpoſes. A prince of greater abilities and vigour than Henry might have directed the talents of this nobleman either to the exaltation of his throne, or to the good of his people: but the advantages given to Leiceſter, by the weak and variable adminiſtration of the king, brought on the ruin of royal

authority, and produced great confuſions in the kingdom; which, however, in the end preſerved, and extremely improved, national liberty and the conſtitution. His popularity, even after his death, continued ſo great that, though he was excommunicated by Rome, the people believed him to be a ſaint; and many miracles were ſaid to be wrought upon his tomb.[s]

SETTLEMENT OF THE GOVERNMENT.

The victory of Eveſham, with the death of Leiceſter, proved deciſive in favour of the royaliſts; and made an equal, though an oppoſite, impreſſion on friends and enemies in every part of England. The king of the Romans recovered his liberty; the other priſoners of the royal party were not only freed but courted by their keepers; Fitz Richard, the ſeditious mayor of London, who had marked out forty of the moſt wealthy citizens for ſlaughter, immediately ſtopped his hand on receiving intelligence of this great event; and almoſt all the caſtles, garriſoned by the barons, haſtened to make their ſubmiſſions, and to open their gates, to the king. The iſle of Axholme alone, and that of Ely, truſting to the ſtrength of their ſituation, ventured to make reſiſtance; but were at laſt reduced, as well as the caſtle of Dover, by the valour and activity of prince Edward.[t] Adam de Gourdon, a courageous baron, maintained himſelf during ſome time in the foreſts of Hampſhire, committed depredations in the neighbourhood, and obliged the prince to lead a body of troops into that country againſt him. Edward attacked the camp of the rebels; and, being tranſported by the ardour of battle, leaped over the trench with a few followers, and encountered Gourdon in ſingle combat. The victory was long diſputed between theſe valiant combatants; but ended at laſt in the prince's favour, who wounded his antagoniſt, threw him

from his horſe, and took him priſoner. He not only gave him his life, but introduced him that very night to the queen at Guildford, procured him his pardon, reſtored him to his eſtate, received him into favour, and was ever after faithfully ſerved by him.[u]

A total victory of the ſovereign over ſo extenſive a rebellion commonly produces a revolution of government, and ſtrengthens, as well as enlarges, for ſome time the prerogatives of the crown: yet no ſacrifices of national liberty were made on this occaſion; the Great Charter remained ſtill inviolate; and the king, ſenſible that his own barons, by whoſe aſſiſtance alone he had prevailed, were no leſs jealous of their independence than the other party, ſeems thenceforth to have more carefully abſtained from all thoſe exertions of power which had afforded ſo plauſible a pretence to the rebels. The clemency of this victory is alſo remarkable. No blood was ſhed on the ſcaffold: no attainders, except of the Mountfort family, were carried into execution: and, though a parliament aſſembled at Wincheſter attainted all thoſe who had born arms againſt the king, eaſy compoſitions were made with them for their lands;[w] and the higheſt ſum levied on the moſt obnoxious offenders exceeded not five years' rent of their eſtate. Even the earl of Derby, who again rebelled, after having been pardoned and reſtored to his fortune, was obliged to pay only ſeven years' rent, and was a ſecond time reſtored. The mild diſpoſition of the king, and the prudence of the prince, tempered the inſolence of victory, and gradually reſtored order to the ſeveral members of the ſtate, disjointed by ſo long a continuance of civil wars and commotions.

The city of London, which had carried fartheſt the rage and animoſity againſt the king, and which ſeemed determined to ſtand upon its defence after almoſt all the kingdom had ſub-

mitted, was, after ſome interval, reſtored to moſt of its liberties and privileges; and Fitz Richard the mayor, who had been guilty of ſo much illegal violence, was only puniſhed by fine and impriſonment. The counteſs of Leiceſter, the king's ſiſter, who had been extremely forward in all attacks on the royal family, was diſmiſſed the kingdom, with her two ſons, Simon and Guy, who proved very ungrateful for this lenity. Five years afterwards they aſſaſſinated, at Viterbo in Italy, their couſin Henry d'Allmaine, who at that very time was endeavouring to make their peace with the king; and, by taking ſanctuary in the church of the Franciſcans, they eſcaped the puniſhment due to ſo great an enormity.[x]

The merits of the earl of Gloceſter, after he returned to his allegiance, had been ſo great in reſtoring the prince to his liberty, and aſſiſting him in his victories againſt the rebellious barons, that it was almoſt impoſſible to content him in his demands; and his youth and temerity, as well as his great power, tempted him, on ſome new diſguſt, to raiſe again the flames of rebellion in the kingdom. The mutinous populace of London, at his inſtigation, took to arms; and the prince was obliged to levy an army of thirty thouſand men, in order to ſuppreſs them. Even this ſecond rebellion did not provoke the king to any act of cruelty; and the earl of Gloceſter himſelf eſcaped with total impunity. He was only obliged to enter into a bond of twenty thouſand marks that he ſhould never again be guilty of rebellion. A ſtrange method of enforcing the laws, and a proof of the dangerous independence of the barons in thoſe ages! Theſe potent nobles were, from the danger of the precedent, averſe to the execution of the laws of forfeiture and felony againſt any of their fellows; though they could not, with a good grace, refuſe to concur in obliging them to fulfil any voluntary contract and engagement into which they had entered.

The prince, finding the ſtate of the kingdom tolerably compoſed, was ſeduced, by his avidity for glory, and by the prejudices of the age, as well as by the earneſt ſolicitations of the king of France, to undertake an expedition againſt the infidels in the holy land;[y] and he endeavoured previouſly to ſettle the ſtate in ſuch a manner as to dread no bad effects from his abſence. As the formidable power and turbulent diſpoſition of the earl of Gloceſter gave him apprehenſions, he inſiſted on carrying him along with him, in conſequence of a vow which that nobleman had made to undertake the ſame voyage. In the meantime he obliged him to reſign ſome of his caſtles, and to enter into a new bond not to diſturb the peace of the kingdom.[z] He ſailed from England with an army; and arrived in Lewis's camp before Tunis in Africa, where he found that monarch already dead, from the intemperance of the climate and the fatigues of his enterpriſe. The great, if not only, weakneſs of this prince in his government was the imprudent paſſion for cruſades; but it was his zeal chiefly that procured him, from the clergy, the title of St. Lewis, by which he is known in the French hiſtory; and, if that appellation had not been ſo extremely proſtituted as to become rather a term of reproach, he ſeems, by his uniform probity and goodneſs, as well as his piety, to have fully merited the title. He was ſucceeded by his ſon Philip, denominated the Hardy; a prince of ſome merit, though much inferior to that of his father.

DEATH AND CHARACTER OF THE KING. 1272.

Prince Edward, not diſcouraged by this event, continued his voyage to the holy land, where he ſignalized himſelf by acts of valour; revived the glory of the Engliſh name in thoſe parts; and ſtruck ſuch terror into the Saracens, that they employed

an aſſaſſin to murder him, who wounded him in the arm, but periſhed in the attempt.[a] Meanwhile his abſence from England was attended with many of thoſe pernicious conſequences which had been dreaded from it. The laws were not executed; the barons oppreſſed the common people with impunity;[b] they gave ſhelter on their eſtates to bands of robbers, whom them employed in committing ravages on the eſtates of their enemies; the populace of London returned to their uſual licentiouſneſs; and the old king, unequal to the burden of public affairs, called aloud for his gallant ſon to return,[c] and to aſſiſt him in ſwaying that ſceptre which was ready to drop from his feeble and irreſolute hands. At laſt, overcome by the cares of government and the infirmities of age, he viſibly declined; and he expired at St. Edmondſbury in the ſixty-fourth year of his age, and fifty-ſixth of his reign; the longeſt reign that is to be met with in the Engliſh annals. His brother, the king of the Romans (for he never attained the title of emperor), died about ſeven months before him.

The moſt obvious circumſtance of Henry's character is his incapacity for government, which rendered him as much a priſoner in the hands of his own miniſters and favourites, and as little at his own diſpoſal, as when detained a captive in the hands of his enemies. From this ſource, rather than from inſincerity or treachery, aroſe his negligence in obſerving his promiſes; and he was too eaſily induced, for the ſake of preſent convenience, to ſacrifice the laſting advantages ariſing from the truſt and confidence of his people. Hence too were derived his profuſion to favourites, his attachment to ſtrangers, the variableneſs of his conduct, his haſty reſentments, and his ſudden forgiveneſs and return of affection. Inſtead of reducing the dangerous power of his nobles, by obliging them to obſerve the laws towards their inferiors, and ſetting them the ſalutary

example in his own government, he was ſeduced to imitate their conduct, and to make his arbitrary will, or rather that of his miniſters, the rule of his actions. Inſtead of accommodating himſelf, by a ſtrict frugality, to the embarraſſed ſituation in which his revenue had been left by the military expeditions of his uncle, the diſſipations of his father, and the uſurpations of the barons, he was tempted to levy money by irregular exactions; which, without enriching himſelf, impoveriſhed, at leaſt diſguſted, his people. Of all men, nature ſeemed leaſt to have fitted him for being a tyrant; yet are there inſtances of oppreſſion in his reign, which, though derived from the precedents left him by his predeceſſors, had been carefully guarded againſt by the Great Charter, and are inconſiſtent with all rules of good government. And, on the whole, we may ſay that greater abilities, with his good diſpoſitions, would have prevented him from falling into his faults; or, with worſe diſpoſitions, would have enabled him to maintain and defend them.

This prince was noted for his piety and devotion, and his regular attendance on public worſhip; and a ſaying of his on that head is much celebrated by ancient writers. He was engaged in a diſpute with Lewis IX of France, concerning the preference between ſermons and maſſes. He maintained the ſuperiority of the latter; and affirmed that he would rather have one hour's converſation with a friend, than hear twenty the moſt elaborate diſcourſes pronounced in his praiſe.[d]

Henry left two ſons, Edward his ſucceſſor, and Edmond earl of Lancaſter; and two daughters, Margaret queen of Scotland, and Beatrix ducheſs of Brittany. He had five other children, who died in their infancy.

MISCELLANEOUS TRANSACTIONS.

THE following are the moſt remarkable laws enacted during this reign. There had been great diſputes between the civil and eccleſiaſtical courts concerning baſtardy. The common law had deemed all thoſe to be baſtards who were born before wedlock; by the canon law they were legitimate; and, when any diſpute of inheritance aroſe, it had formerly been uſual for the civil courts to iſſue writs to the ſpiritual, directing them to inquire into the legitimacy of the perſon. The biſhop always returned an anſwer agreeable to the canon law, though contrary to the municipal law of the kingdom. For this reaſon the civil courts had changed the terms of their writ; and, inſtead of requiring the ſpiritual courts to make inquiſition concerning the legitimacy of the perſon, they only propoſed the ſimple queſtion of fact, whether he were born before or after wedlock? The prelates complained of this practice to the parliament aſſembled at Merton in the twentieth of this king, and deſired that the municipal law might be rendered conformable to the canon; but received from all the nobility the memorable reply, 'Nolumus leges Angliæ mutare,' We will not change the laws of England.[e]

After the civil wars, the parliament ſummoned at Marlebridge gave their approbation to moſt of the ordinances which had been eſtabliſhed by the reforming barons; and which, though advantageous to the ſecurity of the people, had not received the ſanction of a legal authority. Among other laws, it was there enacted that all appeals from the courts of inferior lords ſhould be carried directly to the king's courts, without paſſing through the courts of the lords immediately ſuperior.[f] It was ordained that money ſhould bear no intereſt during the mino-

rity of the debtor.[g] This law was reaſonable, as the eſtates of minors were always in the hands of their lords, and the debtors could not pay intereſt where they had no revenue. The charter of king John had granted this indulgence; it was omitted in that of Henry III, for what reaſon is not known; but it was renewed by the ſtatute of Marlebridge. Moſt of the other articles of this ſtatute are calculated to reſtrain the oppreſſion of ſheriffs, and the violence and iniquities committed in diſtraining cattle and other goods. Cattle, and the inſtruments of huſbandry, formed at that time the chief riches of the people.

In the thirty-fifth year of this king an aſſize was fixed of bread, the price of which was ſettled, according to the different prices of corn, from one ſhilling a quarter to ſeven ſhillings and ſixpence,[h] money of that age. Theſe great variations are alone a proof of bad tillage;[i] yet did the prices often riſe much higher than any taken notice of by the ſtatute. The Chronicle of Dunſtable tells us that in this reign wheat was once ſold for a mark, nay, for a pound a quarter; that is, three pounds of our preſent money.[k] The ſame law affords us a proof of the little communication between the parts of the kingdom, from the very different prices which the ſame commodity bore at the ſame time. 'A brewer,' ſays the ſtatute, 'may ſell two gallons of ale for a penny in cities, and three or four gallons for the ſame price in the country.' At preſent ſuch commodities, by the great conſumption of the people, and the great ſtocks of the brewers, are rather cheapeſt in cities. The chronicle above mentioned obſerves that wheat one year was ſold in many places for eight ſhillings a quarter, but never roſe in Dunſtable above a crown.

Though commerce was ſtill very low, it ſeems rather to have increaſed ſince the conqueſt; at leaſt, if we may judge of the increaſe of money by the price of corn. The medium between the higheſt and loweſt prices of wheat aſſigned by the ſtatute is

four ſhillings and three pence a quarter, that is, twelve ſhillings and nine pence of our preſent money. This is near half of the middling price in our time. Yet the middling price of cattle, ſo late as the reign of king Richard, we find to be above eight, near ten times lower than the preſent. Is not this the true inference, from comparing theſe facts, that, in all uncivilized nations, cattle, which propagate of themſelves, bear always a lower price than corn, which requires more art and ſtock to render it plentiful than thoſe nations are poſſeſſed of? It is to be remarked that Henry's aſſize of corn was copied from a preceding aſſize eſtabliſhed by king John; conſequently the prices which we have here compared of corn and cattle may be looked on as contemporary; and they were drawn, not from one particular year, but from an eſtimation of the middling prices for a ſeries of years. It is true, the prices aſſigned by the aſſize of Richard were meant as a ſtandard for the accompts of ſheriffs and eſcheators; and, as conſiderable profits were allowed to theſe miniſters, we may naturally ſuppoſe that the common value of cattle was ſomewhat higher: yet, ſtill, ſo great a difference between the prices of corn and cattle as that of four to one, compared to the preſent rates, affords important reflexions concerning the very different ſtate of induſtry and tillage in the two periods.

Intereſt had in that age mounted to an enormous height, as might be expected from the barbariſm of the times and men's ignorance of commerce. Inſtances occur of fifty per cent. payed for money.[l] There is an edict of Philip Auguſtus near this period, limiting the Jews in France to forty-eight per cent.[m] Such profits tempted the Jews to remain in the kingdom, notwithſtanding the grievous oppreſſions to which, from the prevalent bigotry and rapine of the age, they were continually expoſed. It is eaſy to imagine how precarious their ſtate muſt have been

under an indigent prince, ſomewhat reſtrained in his tyranny over his native ſubjects, but who poſſeſſed an unlimited authority over the Jews, the ſole proprietors of money in the kingdom, and hated, on account of their riches, their religion, and their uſury; yet will our ideas ſcarcely come up to the extortions which, in fact, we find to have been practiſed upon them. In the year 1241 twenty thouſand marks were exacted from them.[n] Two years after money was again extorted; and one Jew alone, Aaron of York, was obliged to pay above four thouſand marks.[o] In 1250 Henry renewed his oppreſſions; and the ſame Aaron was condemned to pay him thirty thouſand marks upon an accuſation of forgery.[p] The high penalty impoſed upon him, and which, it ſeems, he was thought able to pay, is rather a preſumption of his innocence than of his guilt. In 1255 the king demanded eight thouſand marks from the Jews, and threatened to hang them if they refuſed compliance. They now loſt all patience, and deſired leave to retire with their effects out of the kingdom. But the king replied, 'How can I remedy the oppreſſions you complain of? I am myſelf a beggar: I am ſpoiled, I am ſtripped of all my revenues: I owe above two hundred thouſand marks; and, if I had ſaid three hundred thouſand, I ſhould not exceed the truth: I am obliged to pay my ſon, prince Edward, fifteen thouſand marks a year: I have not a farthing; and I muſt have money, from any hand, from any quarter, or by any means.' He then delivered over the Jews to the earl of Cornwall, that thoſe whom the one brother had flayed the other might embowel, to make uſe of the words of the hiſtorian.[q] King John, his father, once demanded ten thouſand marks from a Jew of Briſtol; and, on his refuſal, ordered one of his teeth to be drawn every day till he ſhould comply. The Jew loſt ſeven teeth, and then paid the ſum required of him.[r] One tallage laid upon the Jews in 1243 amounted to ſixty thou-

ſand marks;[s] a ſum equal to the whole yearly revenue of the crown.

To give a better pretence for extortions, the improbable and abſurd accuſation, which has been at different times advanced againſt that nation, was revived in England, that they had crucified a child in deriſion of the ſufferings of Chriſt. Eighteen of them were hanged at once for this crime;[t] though it is nowiſe credible that even the antipathy born them by the Chriſtians, and the oppreſſions under which they laboured, would ever have puſhed them to be guilty of that dangerous enormity. But it is natural to imagine that a race, expoſed to ſuch inſults and indignities both from king and people, and who had ſo uncertain an enjoyment of their riches, would carry uſury to the utmoſt extremity, and by their great profits make themſelves ſome compenſation for their continual perils.

Though theſe acts of violence againſt the Jews proceeded much from bigotry, they were ſtill more derived from avidity and rapine. So far from deſiring in that age to convert them, it was enacted by law in France that, if any Jew embraced Chriſtianity, he forfeited all his goods, without exception, to the king or his ſuperior lord. Theſe plunderers were careful, leſt the profits accruing from their dominion over that unhappy race ſhould be diminiſhed by their converſion.[u]

Commerce muſt be in a wretched condition where intereſt was ſo high, and where the ſole proprietors of money employed it in uſury only, and were expoſed to ſuch extortion and injuſtice. But the bad police of the country was another obſtacle to improvements; and rendered all communication dangerous, and all property precarious. The Chronicle of Dunſtable[x] ſays that men were never ſecure in their houſes, and that whole villages were often plundered by bands of robbers, though no civil wars at that time prevailed in the kingdom. In 1249, ſome

years before the inſurrection of the barons, two merchants of Brabant came to the king at Wincheſter, and told him that they had been ſpoiled of all their goods by certain robbers, whom they knew, becauſe they ſaw their faces every day in his court; that like practices prevailed all over England, and travellers were continually expoſed to the danger of being robbed, bound, wounded, and murdered; that theſe crimes eſcaped with impunity, becauſe the miniſters of juſtice themſelves were in a confederacy with the robbers; and that they, for their part, inſtead of bringing matters to a fruitleſs trial by law, were willing, though merchants, to decide their cauſe with the robbers by arms and a duel. The king, provoked at theſe abuſes, ordered a jury to be encloſed, and to try the robbers. The jury, though conſiſting of twelve men of property in Hampſhire, were found to be alſo in a confederacy with the felons, and acquitted them. Henry, in a rage, committed the jury to priſon, threatened them with ſevere puniſhment, and ordered a new jury to be encloſed; who, dreading the fate of their fellows, at laſt found a verdict againſt the criminals. Many of the king's own houſehold were diſcovered to have participated in the guilt; and they ſaid, for their excuſe, that they received no wages from him, and were obliged to rob for a maintenance.[y] 'Knights and eſquires,' ſays the Dictum of Kenelworth, 'who were robbers, if they have no land, ſhall pay the half of their goods, and find ſufficient ſecurity to keep henceforth the peace of the kingdom.' Such were the manners of the times!

One can the leſs repine, during the prevalence of ſuch manners, at the frauds and forgeries of the clergy; as it gives leſs diſturbance to ſociety to take men's money from them with their own conſent, though by deceits and lies, than to raviſh it by open force and violence. During this reign the papal power was at its ſummit, and was even beginning inſenſibly to decline,

by reaſon of the immeaſurable avarice and extortions of the court of Rome, which diſguſted the clergy as well as laity in every kingdom of Europe. England itſelf, though ſunk in the deepeſt abyſs of ignorance and ſuperſtition, had ſeriouſly entertained thoughts of ſhaking off the papal yoke;[z] and the Roman pontiff was obliged to think of new expedients for rivetting it faſter upon the Chriſtian world. For this purpoſe Gregory IX publiſhed his decretals;[a] which are a collection of forgeries, favourable to the court of Rome, and conſiſt of the ſuppoſed decrees of popes in the firſt centuries. But theſe forgeries are ſo groſs, and confound ſo palpably all language, hiſtory, chronology, and antiquities, (matters more ſtubborn than any ſpeculative truths whatſoever) that even that church, which is not ſtartled at the moſt monſtrous contradictions and abſurdities, has been obliged to abandon them to the critics. But in the dark period of the thirteenth century they paſſed for undiſputed and authentic: and men, entangled in the mazes of this falſe literature, joined to the philoſophy, equally falſe, of the times, had nothing wherewithal to defend themſelves but ſome ſmall remains of common ſenſe, which paſſed for profaneneſs and impiety; and the indelible regard to ſelf-intereſt, which, as it was the ſole motive in the prieſts for framing theſe impoſtures, ſerved alſo, in ſome degree, to protect the laity againſt them.

Another expedient, deviſed by the church of Rome in this period for ſecuring her power, was the inſtitution of new religious orders, chiefly the Dominicans and Franciſcans; who proceeded with all the zeal and ſucceſs that attend novelties; were better qualified to gain the populace than the old orders, now become rich and indolent; maintained a perpetual rivalſhip with each other in promoting their gainful ſuperſtitions; and acquired a great dominion over the minds, and conſequently over the purſes, of men, by pretending a deſire of poverty and a con-

tempt for riches. The quarrels which aroſe between theſe orders, lying ſtill under the control of the ſovereign pontiff, never diſturbed the peace of the church, and ſerved only as a ſpur to their induſtry in promoting the common cauſe; and, though the Dominicans loſt ſome popularity by their denial of the immaculate conception, a point in which they unwarily engaged too far to be able to recede with honour, they counterbalanced this diſadvantage by acquiring more ſolid eſtabliſhments, by gaining the confidence of kings and princes, and by exerciſing the juriſdiction aſſigned them of ultimate judges and puniſhers of hereſy. Thus the ſeveral orders of monks became a kind of regular troops or garriſons of the Romiſh church; and, though the temporal intereſts of ſociety, ſtill more the cauſe of true piety, were hurt by their various devices to captivate the populace, they proved the chief ſupports of that mighty fabric of ſuperſtition, and, till the revival of true learning, ſecured it from any dangerous invaſion.

The trial by ordeal was aboliſhed in this reign by order of council; a faint mark of improvement in the age.[b]

Henry granted a charter to the town of Newcaſtle, in which he gave the inhabitants a licenſe to dig coal. This is the firſt mention of coal in England.

We learn from Madox[c] that this king gave at one time one hundred ſhillings to maſter Henry, his poet: alſo the ſame year he orders this poet ten pounds.

It appears from Selden that, in the forty-ſeventh of this reign, a hundred and fifty temporal, and fifty ſpiritual, barons were ſummoned to perform the ſervice due by their tenures.[d] In the thirty-fifth of the ſubſequent reign eighty-ſix temporal barons, twenty biſhops, and forty-eight abbots, were ſummoned to a parliament convened at Carliſle.[e]

EDWARD I. REMOVING THE STONE FROM THE SCONE.

CHAP. XIII

EDWARD THE FIRST

CIVIL ADMINISTRATION OF THE KING: CONQUEST OF WALES: COMPETITORS FOR THE CROWN OF SCOTLAND: AWARD OF EDWARD IN FAVOR OF BALIOL: WAR WITH FRANCE: SCOTLAND SUBDUED: REMOVAL OF THE STONE FROM THE SCONE: PEACE WITH FRANCE: REVOLT OF SCOTLAND: AGAIN SUBDUED: ROBERT BRUCE: THIRD REVOLT: DEATH AND CHARACTER OF THE KING: MISCELLANEOUS TRANSACTIONS OF THIS REIGN.

FROM EDW.I
TO RICH.II

CHAPTER XIII.

EDWARD I.

1272....1307.

CIVIL ADMINISTRATION OF THE KING....CONQUEST OF WALES.... AFFAIRS OF SCOTLAND....COMPETITORS FOR THE CROWN OF SCOTLAND....REFERENCE TO EDWARD AND HOMAGE....AWARD OF EDWARD IN FAVOUR OF BALIOL....WAR WITH FRANCE.... DIGRESSION CONCERNING THE CONSTITUTION OF PARLIAMENT ....SCOTLAND SUBDUED....WAR WITH FRANCE....DISSENSIONS WITH THE CLERGY....ARBITRARY MEASURES....DISSENSIONS WITH THE BARONS....PEACE WITH FRANCE....REVOLT OF SCOTLAND....BATTLE OF FALKIRK...SCOTLAND AGAIN SUBDUED.... AGAIN REVOLTS AND IS SUBDUED....ROBERT BRUCE....THIRD REVOLT OF SCOTLAND....DEATH AND CHARACTER OF THE KING ....MISCELLANEOUS TRANSACTIONS OF THIS REIGN.

THE Engliſh were as yet ſo little inured to obedience under a regular government, that the death of almoſt every king ſince the conqueſt had been attended with diſorders; and the council, reflecting on the recent civil wars, and on the animoſities which naturally remain after theſe great convulſions, had reaſon to apprehend dangerous conſequences from the abſence of the ſon and ſucceſſor of Henry. They therefore haſtened to proclaim prince Edward, to ſwear allegiance to him, and to ſum-

mon the ſtates of the kingdom, in order to provide for the public peace in this important conjuncture.[f] Walter Giffard archbiſhop of York, the earl of Cornwall, ſon of Richard king of the Romans, and the earl of Gloceſter, were appointed guardians of the realm; and proceeded peaceably to the exerciſe of their authority, without either meeting with oppoſition from any of the people, or being diſturbed with emulation and faction among themſelves. The high character acquired by Edward during the late commotions, his military genius, his ſucceſs in ſubduing the rebels, his moderation in ſettling the kingdom, had procured him great eſteem, mixed with affection, among all orders of men; and no one could reaſonably entertain hopes of making any advantage of his abſence, or of raiſing diſturbance in the nation. The earl of Gloceſter himſelf, whoſe great power and turbulent ſpirit had excited moſt jealouſy, was forward to give proofs of his allegiance; and the other malcontents, being deſtitute of a leader, were obliged to remain in ſubmiſſion to the government.

Prince Edward had reached Sicily in his return from the holy land, when he received intelligence of the death of his father; and he diſcovered a deep concern on the occaſion. At the ſame time he learned the death of an infant ſon, John, whom his princeſs, Eleanor of Caſtile, had born him at Acre in Paleſtine. And, as he appeared much leſs affected with that misfortune, the king of Sicily expreſſed a ſurpriſe at this difference of ſentiment: but was told by Edward that the death of a ſon was a loſs which he might hope to repair; the death of a father was a loſs irreparable.[g]

Edward proceeded homeward; but, as he ſoon learned the quiet ſettlement of the kingdom, he was in no hurry to take poſſeſſion of the throne, but ſpent near a year in France before he made his appearance in England. In his paſſage by Chalons

in Burgundy he was challenged by the prince of the country to a tournament which he was preparing; and, as Edward excelled in thoſe martial and dangerous exerciſes, the true image of war, he declined not the opportunity of acquiring honour in that great aſſembly of the neighbouring nobles. But the image of war was here unfortunately turned into the thing itſelf. Edward and his retinue were ſo ſucceſsful in the jouſts, that the French knights, provoked at their ſuperiority, made a ſerious attack upon them, which was repulſed; and much blood was idly ſhed in the quarrel.[h] This rencounter received the name of the petty battle of Chalons.

Edward went from Chalons to Paris, and did homage to Philip for the dominions which he held in France.[i] He thence returned to Guienne, and ſettled that province, which was in ſome confuſion. He made his journey to London through France; in his paſſage he accommodated at Montreuil a difference with Margaret counteſs of Flanders, heireſs of that territory.[k] He was received with joyful acclamations by his people, and was ſolemnly crowned at Weſtminſter, on the nineteenth of Auguſt, 1274, by Robert archbiſhop of Canterbury.

CIVIL ADMINISTRATION OF THE KING. 1274.

THE king immediately applied himſelf to the re-eſtabliſhment of his kingdom, and to the correcting of thoſe diſorders which the civil commotions and the looſe adminiſtration of his father had introduced into every part of government. The plan of his policy was equally generous and prudent. He conſidered the great barons both as the immediate rivals of the crown, and oppreſſors of the people; and he purpoſed, by an exact diſtribution of juſtice, and a rigid execution of the laws, to give at once protection to the inferior orders of the ſtate, and to dimi-

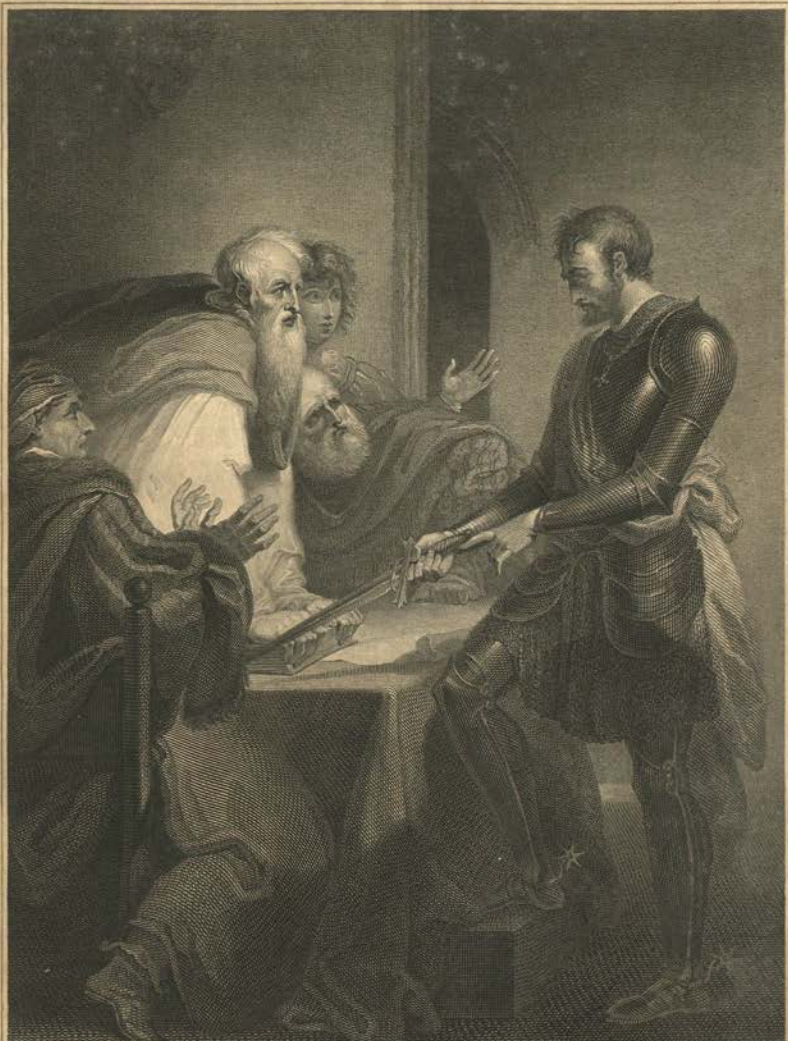
niſh the arbitrary power of the great, on which their dangerous authority was chiefly founded. Making it a rule in his own conduct to obſerve, except on extraordinary occaſions, the privileges ſecured to them by the Great Charter, he acquired a right to inſiſt upon their obſervance of the ſame charter towards their vaſſals and inferiors; and he made the crown be regarded by all the gentry and commonalty of the kingdom as the fountain of juſtice, and the general aſylum againſt oppreſſion. Beſides enacting ſeveral uſeful ſtatutes, in a parliament which he ſummoned at Weſtminſter, he took care to inſpect the conduct of all his magiſtrates and judges; to diſplace ſuch as were either negligent or corrupt; to provide them with ſufficient force for the execution of juſtice; to extirpate all bands and confederacies of robbers; and to repreſs thoſe more ſilent robberies which were committed either by the power of the nobles, or under the countenance of public authority. By this rigid adminiſtration the face of the kingdom was ſoon changed; and order and juſtice took place of violence and oppreſſion. But, amidſt the excellent inſtitutions and public ſpirited plans of Edward, there ſtill appears ſomewhat both of the ſeverity of his perſonal character, and of the prejudices of the times.

As the various kinds of malefactors, the murderers, robbers, incendiaries, raviſhers, and plunderers, had become ſo numerous and powerful, that the ordinary miniſters of juſtice, eſpecially in the weſtern counties, were afraid to execute the laws againſt them, the king found it neceſſary to provide an extraordinary remedy for the evil; and he erected a new tribunal, which, however uſeful, would have been deemed, in times of more regular liberty, a great ſtretch of illegal and arbitrary power. It conſiſted of commiſſioners, who were empowered to inquire into diſorders and crimes of all kinds, and to inflict the proper puniſhments upon them. The officers charged with this unuſual

commiſſion made their circuits throughout the counties of England moſt infeſted with this evil, and carried terror into all thoſe parts of the kingdom. In their zeal to puniſh crimes, they did not ſufficiently diſtinguiſh between the innocent and guilty; the ſmalleſt ſuſpicion became a ground of accuſation and trial; the ſlighteſt evidence was received againſt criminals; priſons were crouded with malefactors, real or pretended; ſevere fines were levied for ſmall offences; and the king, though his exhauſted exchequer was ſupplied by this expedient, found it neceſſary to ſtop the courſe of ſo great rigour; and, after terrifying and diſſipating, by this tribunal, the gangs of diſorderly people in England, he prudently annulled the commiſſion,[l] and never afterwards renewed it.

Among the various diſorders to which the kingdom was ſubject, no one was more univerſally complained of than the adulteration of the coin; and, as this crime required more art than the Engliſh of that age, who chiefly employed force and violence in their iniquities, were poſſeſſed of, the imputation fell upon the Jews.[m] Edward alſo ſeems to have indulged a ſtrong prepoſſeſſion againſt that nation; and, this ill judged zeal for Chriſtianity being naturally augmented by an expedition to the holy land, he let looſe the whole rigour of his juſtice againſt that unhappy people. Two hundred and eighty of them were hanged at once for this crime in London alone, beſides thoſe who ſuffered in other parts of the kingdom.[n] The houſes and lands (for the Jews had of late ventured to make purchaſes of that kind), as well as the goods, of great multitudes were ſold and confiſcated: and the king, leſt it ſhould be ſuſpected that the riches of the ſufferers were the chief part of their guilt, ordered a moiety of the money raiſed by theſe confiſcations to be ſet apart, and beſtowed upon ſuch as were willing to be converted to Chriſtianity. But reſentment was more prevalent with them

than any temptation from their poverty; and very few of them could be induced by intereſt to embrace the religion of their perſecutors. The miſeries of this people did not here terminate. Though the arbitrary tallages and exactions levied upon them had yielded a conſtant and conſiderable revenue to the crown, Edward, prompted by his zeal and his rapacity, reſolved ſome time after [o] to purge the kingdom entirely of that hated race, and to ſeize to himſelf at once their whole property as the reward of his labour.[p] He left them only money ſufficient to bear their charges into foreign countries, where new perſecutions and extortions awaited them. But the inhabitants of the cinque ports, imitating the bigotry and avidity of their ſovereign, deſpoiled moſt of them of this ſmall pittance, and even threw many of them into the ſea: a crime for which the king, who was determined to be the ſole plunderer in his dominions, inflicted a capital puniſhment upon them. No leſs than fifteen thouſand Jews were at this time robbed of their effects, and baniſhed the kingdom. Very few of that nation have ſince lived in England. And, as it is impoſſible for a nation to ſubſiſt without lenders of money, (and none will lend without a compenſation) the practice of uſury, as it was then called, was thenceforth exerciſed by the Engliſh themſelves upon their fellow citizens, or by Lombards and other foreigners. It is very much to be queſtioned whether the dealings of theſe new uſurers were equally open and unexceptionable with thoſe of the old. By a law of Richard it was enacted that three copies ſhould be made of every bond given to a Jew; one to be put into the hands of a public magiſtrate, another into thoſe of a man of credit, and a third to remain with the Jew himſelf.[q] But, as the canon law, ſeconded by the municipal, permitted no Chriſtian to take intereſt, all tranſactions of this kind muſt, after the baniſhment of the Jews, have become more ſecret and clandeſtine; and the lender of conſequence



EARL WARRENNE RESIGNING HIS TITLES TO HIS ESTATES

be paid both for the uſe of his money, and for the infamy and danger which he incurred by lending it.

The great poverty of the crown, though no excuſe, was probably the cauſe of this egregious tyranny exerciſed againſt the Jews; but Edward alſo practiſed other more honourable means of remedying that evil. He employed a ſtrict frugality in the management and diſtribution of his revenue: he engaged the parliament to vote him a fifteenth of all moveables; the pope to grant him the tenth of all eccleſiaſtical revenues for three years; and the merchants to conſent to a perpetual impoſition of half a mark on every ſack of wool exported, and a mark on three hundred ſkins. He alſo iſſued commiſſions to inquire into all encroachments on the royal demeſne; into the value of eſcheats, forfeitures, and wardſhips; and into the means of repairing or improving every branch of the revenue.[r] The commiſſioners, in the execution of their office, began to carry matters too far againſt the nobility, and to queſtion titles to eſtates which had been tranſmitted from father to ſon for ſeveral generations. Earl Warrenne, who had done ſuch eminent ſervice in the late reign, being required to ſhew his titles, drew his ſword: and ſubjoined that William the Baſtard had not conquered the kingdom for himſelf alone; his anceſtor was a joint adventurer in the enterpriſe; and he himſelf was determined to maintain what had from that period remained unqueſtioned in his family. The king, ſenſible of the danger, deſiſted from making farther inquiries of this nature.

CONQUEST OF WALES. 1277.

But the active ſpirit of Edward could not long remain without employment. He ſoon after undertook an enterpriſe more prudent for himſelf, and more advantageous to his people. Lewel-

lyn, prince of Wales, had been deeply engaged with the Mountfort faction; had entered into all their conſpiracies againſt the crown; had frequently fought on their ſide; and till the battle of Eveſham, ſo fatal to that party, had employed every expedient to depreſs the royal cauſe, and to promote the ſucceſs of the barons. In the general accommodation made with the vanquiſhed, Lewellyn had alſo obtained his pardon; but, as he was the moſt powerful, and therefore the moſt obnoxious, vaſſal of the crown, he had reaſon to entertain anxiety about his ſituation, and to dread the future effects of reſentment and jealouſy in the Engliſh monarch. For this reaſon he determined to provide for his ſecurity by maintaining a ſecret correſpondence with his former aſſociates; and he even made his addreſſes to a daughter of the earl of Leiceſter, who was ſent to him from beyond ſea; but, being intercepted in her paſſage near the iſles of Scilly, was detained in the court of England.[s] This incident increaſing the mutual jealouſy between Edward and Lewellyn, the latter, when required to come to England and do homage to the new king, ſcrupled to put himſelf in the hands of an enemy; deſired a ſafe-conduct from Edward; inſiſted upon having the king's ſon, and other noblemen, delivered to him as hoſtages; and demanded that his conſort ſhould previouſly be ſet at liberty.[t] The king, having now brought the ſtate to a full ſettlement, was not diſpleaſed with this occaſion of exerciſing his authority, and ſubduing entirely the principality of Wales. He refuſed all Lewellyn's demands, except that of a ſafe-conduct; ſent him repeated ſummonſes to perform the duty of a vaſſal; levied an army to reduce him to obedience; obtained a new aid of a fifteenth from parliament; and marched out with certain aſſurance of ſucceſs againſt the enemy. Beſides the great diſproportion of force between the kingdom and the principality, the circumſtances of the two ſtates were entirely reverſed; and

the ſame inteſtine diſſenſions, which had formerly weakened England, now prevailed in Wales, and had even taken place in the reigning family. David and Roderic, brothers to Lewellyn, diſpoſſeſſed of their inheritance by that prince, had been obliged to have recourſe to the protection of Edward; and they ſeconded with all their intereſt, which was extenſive, his attempts to enſlave their native country. The Welſh prince had no reſource but in the inacceſſible ſituation of his mountains, which had hitherto through many ages defended his forefathers againſt all attempts of the Saxon and Norman conquerors; and he retired among the hills of Snowdun, reſolved to defend himſelf to the laſt extremity. But Edward, equally vigorous and cautious, entering by the north with a formidable army, pierced into the heart of the country; and, having carefully explored every road before him, and ſecured every paſs behind him, approached the Welſh army in its laſt retreat. He here avoided the putting to trial the valour of a nation proud of its ancient independence, and inflamed with animoſity againſt its hereditary enemies; and he truſted to the ſlow but ſure effects of famine for reducing that people to ſubjection. The rude and ſimple manners of the natives, as well as the mountainous ſituation of their country, had made them entirely neglect tillage, and truſt to paſturage alone for their ſubſiſtence: a method of life which had hitherto ſecured them againſt the irregular attempts of the Engliſh; but expoſed them to certain ruin when the conqueſt of the country was ſteadily purſued, and prudently planned, by Edward. Deſtitute of magazines, cooped up in a narrow corner, they, as well as their cattle, ſuffered all the rigours of famine; and Lewellyn, without being able to ſtrike a ſtroke for his independence, was at laſt obliged to ſubmit at diſcretion, and receive the terms impoſed upon him by the victor.[u] He bound himſelf to pay to Edward fifty thouſand pounds, as a reparation of damages; to

do homage to the crown of England; to permit all the other barons of Wales, except four near Snowdun, to ſwear fealty to the ſame crown; to relinquiſh the country between Cheſhire and the river Conway; to ſettle on his brother Roderic a thouſand marks a year, and on David five hundred; and to deliver ten hoſtages as ſecurity for his future ſubmiſſion.[w]

Edward, on the performance of the other articles, remitted to the prince of Wales the payment of the fifty thouſand[x] pounds, which were ſtipulated by treaty, and which it is probable the poverty of the country made it abſolutely impoſſible for him to levy. But, notwithſtanding this indulgence, complaints of iniquities ſoon aroſe on the ſide of the vanquiſhed. The Engliſh, inſolent on their eaſy and bloodleſs victory, oppreſſed the inhabitants of the diſtricts which were yielded to them; the lords marchers committed with impunity all kinds of violence on their Welſh neighbours; new and more ſevere terms were impoſed on Lewellyn himſelf; and Edward, when the prince attended him at Worceſter, exacted a promiſe that he would retain no perſon in his principality who ſhould be obnoxious to the Engliſh monarchy.[y] There were other perſonal inſults which raiſed the indignation of the Welſh, and made them determine rather to encounter a force, which they had already experienced to be ſo much ſuperior, than to bear oppreſſion from the haughty victors. Prince David, ſeized with the national ſpirit, made peace with his brother, and promiſed to concur in the defence of public liberty. The Welſh flew to arms; and Edward, not diſpleaſed with the occaſion of making his conqueſt final and abſolute, aſſembled all his military tenants, and advanced into Wales with an army which the inhabitants could not reaſonably hope to reſiſt. The ſituation of the country gave the Welſh at firſt ſome advantage over Luke de Tany, one of Edward's captains, who had paſſed the Menau with a detachment:[z] but Lewellyn,

being ſurpriſed by Mortimer, was defeated and ſlain in an action, and two thouſand of his followers were put to the ſword.[a] David, who ſucceeded him in the principality, could never collect an army ſufficient to face the Engliſh; and, being chaſed from hill to hill, and hunted from one retreat to another, was obliged to conceal himſelf under various diſguiſes, and was at laſt betrayed in his lurking place to the enemy. Edward ſent him in chains to Shrewſbury; and, bringing him to a formal trial before all the peers of England, ordered this ſovereign prince to be hanged, drawn, and quartered, as a traitor, for defending by arms the liberties of his native country, together with his own hereditary authority.[b] All the Welſh nobility ſubmitted to the conqueror; the laws of England, with the ſheriffs and other miniſters of juſtice, were eſtabliſhed in that principality; and, though it was long before national antipathies were extinguiſhed, and a thorough union attained between the people, yet this important conqueſt, which it had required eight hundred years fully to effect, was at laſt, through the abilities of Edward, completed by the Engliſh.

The king, ſenſible that nothing kept alive the ideas of military valour and of ancient glory ſo much as the traditional poetry of the people, which, aſſiſted by the power of muſic and the jollity of feſtivals, made deep impreſſion on the minds of the youth, gathered together all the Welſh bards, and, from a barbarous though not abſurd policy, ordered them to be put to death.[c]

There prevails a vulgar ſtory, which, as it well ſuits the capacity of the monkiſh writers, is carefully recorded by them; that Edward, aſſembling the Welſh, promiſed to give them a prince of unexceptionable manners, a Welſhman by birth, and one who could ſpeak no other language. On their acclamations of joy, and promiſe of obedience, he inveſted in the principality

his ſecond ſon Edward, then an infant, who had been born at Carnavon. The death of his eldeſt ſon Alfonſo ſoon after made young Edward heir of the monarchy; the principality of Wales was fully annexed to the crown; and henceforth gives a title to the eldeſt ſon of the kings of England.

The ſettlement of Wales appeared ſo complete to Edward, that in leſs than two years after he went abroad, in order to make peace between Alfonſo king of Arragon, and Philip the Fair, who had lately ſucceeded his father Philip the Hardy on the throne of France.[a] The difference between theſe two princes had ariſen about the kingdom of Sicily, which the pope, after his hopes from England failed him, had beſtowed on Charles, brother to St. Lewis, and which was claimed upon other titles by Peter king of Arragon, father to Alfonſo. Edward had powers from both princes to ſettle the terms of peace, and he ſucceeded in his endeavours; but, as the controverſy nowiſe regards England, we ſhall not enter into a detail of it. He ſtayed abroad above three years; and on his return found many diſorders to have prevailed, both from open violence and from the corruption of juſtice.

Thomas Chamberlain, a gentleman of ſome note, had aſſembled ſeveral of his aſſociates at Boſton in Lincolnſhire, under pretence of holding a tournament, an exerciſe practiſed by the gentry only; but in reality with a view of plundering the rich fair of Boſton, and robbing the merchants. To facilitate his purpoſe, he privately ſet fire to the town; and, while the inhabitants were employed in quenching the flames, the conſpirators broke into the booths, and carried off the goods. Chamberlain himſelf was detected and hanged; but maintained ſo ſteadily the point of honour to his accomplices, that he could not be prevailed on, by offers or promiſes, to diſcover any of them. Many other inſtances of robbery and violence broke out in all

parts of England, though the ſingular circumſtances attending this conſpiracy have made it alone be particularly recorded by hiſtorians.[e]

But the corruption of the judges, by which the fountains of juſtice were poiſoned, ſeemed of ſtill more dangerous conſequence. Edward, in order to remedy this prevailing abuſe, ſummoned a parliament, and brought the judges to a trial; where all of them, except two who were clergymen, were convicted of this flagrant iniquity, were fined and depoſed. The amount of the fines levied upon them is alone a ſufficient proof of their guilt, being above one hundred thouſand marks; an immenſe ſum in thoſe days, and ſufficient to defray the charges of an expenſive war between two great kingdoms. The king afterwards made all the new judges ſwear that they would take no bribes; but his expedient of depoſing and fining the old ones was the more effectual remedy.

We now come to give an account of the ſtate of affairs in Scotland, which gave riſe to the moſt intereſting tranſactions of this reign, and of ſome of the ſubſequent; though the intercourſe of that kingdom with England, either in peace or war, had hitherto produced ſo few events of moment, that, to avoid tedioufneſs, we have omitted many of them, and have been very conciſe in relating the reſt. If the Scots had before this period any real hiſtory worthy of the name, except what they glean from ſcattered paſſages in the Engliſh hiſtorians, thoſe events, however minute, yet being the only foreign tranſactions of the nation, might deſerve a place in it.

AFFAIRS OF SCOTLAND. 1289.

THOUGH the government of Scotland had been continually expoſed to thoſe factions and convulſions which are incident to

all barbarous, and to many civilized, nations; and though the ſucceſſions of their kings, the only part of their hiſtory which deſerves any credit, had often been diſordered by irregularities and uſurpations; the true heir of the royal family had ſtill in the end prevailed: and Alexander III, who had eſpouſed the ſiſter of Edward, probably inherited, after a period of about eight hundred years, and through a ſucceſſion of males, the ſceptre of all the Scottiſh princes who had governed the nation ſince its firſt eſtabliſhment in the iſland. This prince died in 1286 by a fall from his horſe at Kinghorn,[f] without leaving any male iſſue, and without any deſcendant, except Margaret, born of Eric, king of Norway, and of Margaret, daughter of the Scottiſh monarch. This princeſs, commonly called the maid of Norway, though a female, and an infant, and a foreigner, yet, being the lawful heir of the kingdom, had, through her grandfather's care, been recogniſed ſucceſſor by the ſtates of Scotland;[g] and, on Alexander's death, the diſpoſitions, which had been previouſly made againſt that event, appeared ſo juſt and prudent, that no diſorders, as might naturally be apprehended, enſued in the kingdom. Margaret was acknowledged queen of Scotland; five guardians, the biſhops of St. Andrews and Glaſgow, the earls of Fife and Buchan, and James, ſteward of Scotland, entered peaceably upon the adminiſtration; and the infant princeſs, under the protection of Edward her great uncle, and Eric her father, who exerted themſelves on this occaſion, ſeemed firmly ſeated on the throne of Scotland. The Engliſh monarch was naturally led to build mighty projects on this incident; and, having lately by force of arms brought Wales under ſubjection, he attempted, by the marriage of Margaret with his eldeſt ſon Edward, to unite the whole iſland into one monarchy, and thereby to give it ſecurity both againſt domeſtic convulſions and foreign invaſions. The amity which had of late prevailed between

the two nations, and which, even in former times, had never been interrupted by any violent wars or injuries, facilitated extremely the execution of this project, ſo favourable to the happineſs and grandeur of both kingdoms; and the ſtates of Scotland readily gave their aſſent to the Engliſh propoſals, and even agreed that their young ſovereign ſhould be educated in the court of Edward. Anxious, however, for the liberty and independency of their country, they took care to ſtipulate very equitable conditions, ere they intruſted themſelves into the hands of ſo great and ſo ambitious a monarch. It was agreed that they ſhould enjoy all their ancient laws, liberties, and cuſtoms; that, in caſe young Edward and Margaret ſhould die without iſſue, the crown of Scotland ſhould revert to the next heir, and ſhould be inherited by him free and independent; that the military tenants of the crown ſhould never be obliged to go out of Scotland, in order to do homage to the ſovereign of the united kingdoms, nor the chapters of cathedral, collegiate, or conventual churches, in order to make elections; that the parliaments ſummoned for Scottiſh affairs ſhould always be held within the bounds of that kingdom; and that Edward ſhould bind himſelf under the penalty of one hundred thouſand marks, payable to the pope for the uſe of the holy wars, to obſerve all theſe articles.[h] It is not eaſy to conceive that two nations could have treated more on a footing of equality than Scotland and England maintained during the whole courſe of this tranſaction. And, though Edward gave his aſſent to the article concerning the future independency of the Scottiſh crown, with a ſaving of his former rights, this reſerve gave no alarm to the nobility of Scotland; both becauſe theſe rights, having hitherto been little heard of, had occaſioned no diſturbance, and becauſe the Scots had ſo near a proſpect of ſeeing them entirely abſorbed in the rights of their ſovereignty.

But this project, ſo happily formed and ſo amicably conducted, failed of ſucceſs by the ſudden death of the Norwegian princeſs, who expired on her paſſage to Scotland,[1] and left a very diſmal proſpect to the kingdom. Though diſorders were for the preſent obviated by the authority of the regency formerly eſtabliſhed, the ſucceſſion itſelf of the crown was now become an object of diſpute; and the regents could not expect that a controverſy, which is not uſually decided by reaſon and argument alone, would be peaceably ſettled by them, or even by the ſtates of the kingdom, amidſt ſo many powerful pretenders. The poſterity of William king of Scotland, the prince taken priſoner by Henry II, being all extinct by the death of Margaret of Norway, the right to the crown devolved on the iſſue of David earl of Huntingdon, brother to William; whoſe male line being alſo extinct, left the ſucceſſion open to the poſterity of his daughters. The earl of Huntingdon had three daughters; Margaret, married to Alan lord of Galloway; Iſabella, wife of Robert Brus or Bruce, lord of Annandale; and Adama, who eſpouſed Henry lord Haſtings. Margaret, the eldeſt of the ſiſters, left one daughter, Devergilda, married to John Baliol, by whom ſhe had a ſon of the ſame name, one of the preſent competitors for the crown; Iſabella, the ſecond, bore a ſon, Robert Bruce, who was now alive, and who alſo inſiſted on his claim; Adama, the third, left a ſon, John Haſtings, who pretended that the kingdom of Scotland, like many other inheritances, was diviſible among the three daughters of the earl of Huntingdon, and that he, in right of his mother, had a title to a third of it. Baliol and Bruce united againſt Haſtings in maintaining that the kingdom was indiviſible; but each of them, ſupported by plauſible reaſons, aſſerted the

preference of his own title. Baliol was ſprung from the elder branch; Bruce was one degree nearer the common ſtock. If the principle of repreſentation was regarded, the former had the better claim; if propinquity was conſidered, the latter was entitled to the preference.[k] The ſentiments of men were divided. All the nobility had taken part on one ſide or the other; the people followed implicitly their leaders. The two claimants themſelves had great power and numerous retainers in Scotland. And it is no wonder that, among a rude people, more accuſtomed to arms than inured to laws, a controverſy of this nature, which could not be decided by any former precedent among them, and which is capable of exciting commotions in the moſt legal and beſt eſtabliſhed governments, ſhould threaten the ſtate with the moſt fatal convulſions.

REFERENCE TO EDWARD, AND HOMAGE.

Each century has its peculiar mode in conducting buſineſs; and men, guided more by cuſtom than by reaſon, follow, without inquiry, the manners which are prevalent in their own time. The practice of that age, in controverſies between ſtates and princes, ſeems to have been to chooſe a foreign prince as an equal arbiter, by whom the queſtion was decided; and whoſe ſentence prevented thoſe diſmal confuſions and diſorders inſeparable at all times from war, but which were multiplied a hundred fold, and diſperſed into every corner, by the nature of the feudal governments. It was thus that the Engliſh king and barons, in the preceding reign, had endeavoured to compoſe their diſſenſions by a reference to the king of France; and the celebrated integrity of that monarch had prevented all the bad effects, which might naturally have been dreaded, from ſo perilous an expedient. It was thus that the kings of France and

Arragon, and afterwards other princes, had ſubmitted their controverſies to Edward's judgment; and the remoteneſs of their ſtates, the great power of the princes, and the little intereſt which he had on either ſide, had induced him to acquit himſelf with honour in his deciſions. The parliament of Scotland, therefore, threatened with a furious civil war, and allured by the great reputation of the Engliſh monarch, as well as by the preſent amicable correſpondence between the kingdoms, agreed in making a reference to Edward; and Fraſer, biſhop of St. Andrews, with other deputies, was ſent to notify to him their reſolution, and to claim his good offices in the preſent dangers to which they were expoſed.[1] His inclination, they flattered themſelves, led him to prevent their diſſenſions, and to interpoſe with a power which none of the competitors would dare to withſtand. When this expedient was propoſed by one party, the other deemed it dangerous to object to it; indifferent perſons thought that the imminent perils of a civil war would thereby be prevented; and no one reflected on the ambitious character of Edward, and the almoſt certain ruin which muſt attend a ſmall ſtate, divided by faction, when it thus implicitly ſubmits itſelf to the will of ſo powerful and encroaching a neighbour.

The temptation was too ſtrong for the virtue of the Engliſh monarch to reſiſt. He purpoſed to lay hold of the preſent favourable opportunity, and, if not to create, at leaſt to revive, his claim of a feudal ſuperiority over Scotland; a claim which had hitherto lain in the deepeſt obſcurity, and which, if ever it had been an object of attention, or had been ſo much as ſuſpected, would have effectually prevented the Scottiſh barons from chooſing him for an umpire. He well knew that, if this pretenſion were once ſubmitted to, as it ſeemed difficult, in the preſent ſituation of Scotland, to oppoſe it, the abſolute ſovereignty of that kingdom (which had been the caſe with Wales)

would ſoon follow; and that one great vaſſal, cooped up in an iſland with his liege lord, without reſource from foreign powers, without aid from any fellow vaſſals, could not long maintain his dominions againſt the efforts of a mighty kingdom, aſſiſted by all the cavils which the feudal law afforded his ſuperior againſt him. In purſuit of this great object, very advantageous to England, perhaps in the end no leſs beneficial to Scotland, but extremely unjuſt and iniquitous in itſelf, Edward buſied himſelf in ſearching for proofs of his pretended ſuperiority: and, inſtead of looking into his own archives; which, if his claim had been real, muſt have afforded him numerous records of the homages done by the Scottiſh princes, and could alone yield him any authentic teſtimony; he made all the monaſteries be ranſacked for old chronicles and hiſtories written by Engliſhmen, and he collected all the paſſages which ſeemed anywiſe to favour his pretenſions.[m] Yet even in this method of proceeding, which muſt have diſcovered to himſelf the injuſtice of his claim, he was far from being fortunate. He began his proofs from the time of Edward the elder, and continued them through all the ſubſequent Saxon and Norman times; but produced nothing to his purpoſe.[n] The whole amount of his authorities during the Saxon period, when ſtripped of the bombaſt and inaccurate ſtyle of the monkiſh hiſtorians, is, that the Scots had ſometimes been defeated by the Engliſh; had received peace on diſadvantageous terms; had made ſubmiſſions to the Engliſh monarch; and had even perhaps fallen into ſome dependance on a power which was ſo much ſuperior, and which they had not at that time ſufficient force to reſiſt. His authorities from the Norman period were, if poſſible, ſtill leſs concluſive. The hiſtorians indeed make frequent mention of homage done by the northern potentate; but no one of them ſays that it was done for his kingdom; and ſeveral of them declare, in expreſs terms, that it

was relative only to the fiefs which he enjoyed ſouth of the Tweed,[o] in the ſame manner as the king of England himſelf ſwore fealty to the French monarch for the fiefs which he inherited in France. And to ſuch ſcandalous ſhifts was Edward reduced, that he quotes a paſſage from Hoveden,[p] where it is aſſerted that a Scottiſh king had done homage to England; but he purpoſely omits the latter part of the ſentence, which expreſſes that this prince did homage for the lands which he held in England.

When William, king of Scotland, was taken priſoner in the battle of Alnwic, he was obliged, for the recovery of his liberty, to ſwear fealty to the victor for his crown itſelf. The deed was performed according to all the rites of the feudal law; the record was preſerved in the Engliſh archives, and is mentioned by all the hiſtorians; but, as it is the only one of the kind, and as hiſtorians ſpeak of this ſuperiority as a great acquiſition gained by the fortunate arms of Henry II,[q] there can remain no doubt that the kingdom of Scotland was, in all former periods, entirely free and independent. Its ſubjection continued a very few years. King Richard, deſirous, before his departure for the holy land, to conciliate the friendſhip of William, renounced that homage which, he ſays in expreſs terms, had been extorted by his father; and he only retained the uſual homage which had been done by the Scottiſh princes for the lands which they held in England.

But, though this tranſaction rendered the independence of Scotland ſtill more unqueſtionable than if no fealty had ever been ſworn to the Engliſh crown, the Scottiſh kings, apprized of the point aimed at by their powerful neighbours, ſeem for a long time to have retained ſome jealouſy on that head; and, in doing homage, to have anxiouſly obviated all ſuch pretenſions. When William in 1200 did homage to John at Lincoln,

he was careful to inſert a ſalvo for his royal dignity:[r] when Alexander III ſent aſſiſtance to his father-in-law Henry III, during the wars of the barons, he previouſly procured an acknowledgment that this aid was granted only from friendſhip, not from any right claimed by the Engliſh monarch:[s] and, when the ſame prince was invited to aſſiſt at the coronation of this very Edward, he declined attendance till he received a like acknowledgment.[t]

But, as all theſe reaſons (and ſtronger could not be produced) were but a feeble rampart againſt the power of the ſword, Edward, carrying with him a great army, which was to enforce his proofs, advanced to the frontiers, and invited the Scottiſh parliament, and all the competitors, to attend him in the caſtle of Norham, a place ſituated on the ſouthern banks of the Tweed, in order to determine that cauſe which had been referred to his arbitration. But, though this deference ſeemed due to ſo great a monarch, and was no more than what his father and the Engliſh barons had, in ſimilar circumſtances, paid to Lewis IX, the king, careful not to give umbrage, and determined never to produce his claim till it ſhould be too late to think of oppoſition, ſent the Scottiſh barons an acknowledgment that, though at that time they paſſed the frontiers, this ſtep ſhould never be drawn into precedent, or afford the Engliſh kings a pretence for exacting a like ſubmiſſion in any future tranſaction.[u] When the whole Scottiſh nation had thus unwarily put themſelves in his power, Edward opened the conferences at Norham. He informed the parliament, by the mouth of Roger le Brabancon, his chief juſticiary, that he was come thither to determine the right among the competitors to their crown; that he was determined to do ſtrict juſtice to all parties; and that he was entitled to this authority, not in virtue of the reference made to him, but in quality of ſuperior and liege lord[w] of the kingdom.

He then produced his proofs of this ſuperiority, which he pretended to be unqueſtionable, and he required of them an acknowledgment of it; a demand which was ſuperfluous if the fact were already known and avowed, and which plainly betrays Edward's conſciouſneſs of his lame and defective title. The Scottiſh parliament was aſtoniſhed at ſo new a pretenſion, and anſwered only by their ſilence. But the king, in order to maintain the appearance of free and regular proceedings, deſired them to remove into their own country, to deliberate upon his claim, to examine his proofs, to propoſe all their objections, and to inform him of their reſolution; and he appointed a plain at Upſettleton, on the northern banks of the Tweed, for that purpoſe.

When the Scottiſh barons aſſembled in this place, though moved with indignation at the injuſtice of this unexpected claim, and at the fraud with which it had been conducted, they found themſelves betrayed into a ſituation, in which it was impoſſible for them to make any defence for the ancient liberty and independence of their country. The king of England, a martial and politic prince, at the head of a powerful army, lay at a very ſmall diſtance, and was only ſeparated from them by a river fordable in many places. Though by a ſudden flight ſome of them might themſelves be able to make their eſcape, what hopes could they entertain of ſecuring the kingdom againſt his future enterpriſes? Without a head; without union among themſelves; attached all of them to different competitors, whoſe title they had raſhly ſubmitted to the deciſion of this foreign uſurper, and who were thereby reduced to an abſolute dependance upon him; they could only expect by reſiſtance to entail on themſelves and their poſterity a more grievous and more deſtructive ſervitude. Yet, even in this deſperate ſtate of their affairs, the Scottiſh barons (as we learn from Walſingham,* one of the beſt

hiſtorians of that period) had the courage to reply that, till they had a king, they could take no reſolution on ſo momentous a point. The journal of king Edward ſays that they made no anſwer at all;[y] that is, perhaps, no particular anſwer or objection to Edward's claim. And by this ſolution it is poſſible to reconcile the journal with the hiſtorian. The king, therefore, interpreting their ſilence as conſent, addreſſed himſelf to the ſeveral competitors, and previouſly to his pronouncing ſentence required their acknowledgment of his ſuperiority.

It is evident, from the genealogy of the royal family of Scotland, that there could only be two queſtions about the ſucceſſion; that between Baliol and Bruce on the one hand, and lord Haſtings on the other, concerning the partition of the crown; and that between Baliol and Bruce themſelves concerning the preference of their reſpective titles, ſuppoſing the kingdom indiviſible. Yet there appeared on this occaſion no leſs than nine claimants beſides; John Comyn, or Cummin, lord of Badenoch, Florence earl of Holland, Patrick Dunbar earl of March, William de Veſcey, Robert de Pynkeni, Nicholas de Soules, Patrick Galythly, Roger de Mandeville, Robert de Roſs; not to mention the king of Norway, who claimed as heir to his daughter Margaret.[z] Some of theſe competitors were deſcended from more remote branches of the royal family; others were even ſprung from illegitimate children: and, as none of them had the leaſt pretence of right, it is natural to conjecture that Edward had ſecretly encouraged them to appear in the liſt of claimants, that he might ſow the more diviſion among the Scottiſh nobility, make the cauſe appear the more intricate, and be able to chooſe, among a great number, the moſt obſequious candidate.

But he found them all equally obſequious [a] on this occaſion. Robert Bruce was the firſt that acknowledged Edward's right of

ſuperiority over Scotland: and he had ſo far foreſeen the king's pretenſions, that even in his petition, where he ſet forth his claim to the crown, he had previouſly applied to him as liege lord of the kingdom; a ſtep which was not taken by any of the other competitors. They all, however, with ſeeming willingneſs, made a like acknowledgment when required; though Baliol, leſt he ſhould give offence to the Scottiſh nation, had taken care to be abſent during the firſt days; and he was the laſt that recogniſed the king's title.[b] Edward next deliberated concerning the method of proceeding in the diſcuſſion of this great controverſy. He gave orders that Baliol, and ſuch of the competitors as adhered to him, ſhould chooſe forty commiſſioners; Bruce and his adherents forty more; to theſe the king added twenty-four Engliſhmen. He ordered theſe hundred and four commiſſioners to examine the cauſe deliberately among themſelves, and make their report to him;[c] and he promiſed in the enſuing year to give his determination. Meanwhile he pretended that it was requiſite to have all the fortreſſes of Scotland delivered into his hands, in order to enable him, without oppoſition, to put the true heir in poſſeſſion of the crown; and this exorbitant demand was complied with, both by the ſtates and by the claimants.[d] The governors alſo of all the caſtles immediately reſigned their command, except Umfreville earl of Angus; who refuſed, without a formal and particular acquittal from the parliament and the ſeveral claimants, to ſurrender his fortreſſes to ſo domineering an arbiter, who had given to Scotland ſo many juſt reaſons of ſuſpicion.[e] Before this aſſembly broke up, which had fixed ſuch a mark of diſhonour on the nation, all the prelates and barons there preſent ſwore fealty to Edward; and that prince appointed commiſſioners to receive a like oath from all the other barons and perſons of diſtinction in Scotland.[f]

The king, having finally made, as he imagined, this important acquiſition, left the commiſſioners to ſit at Berwick, and examine the titles of the ſeveral competitors who claimed the precarious crown, which Edward was willing for ſome time to allow the lawful heir to enjoy. He went ſouthwards; both in order to aſſiſt at the funeral of his mother queen Eleanor, who died about this time, and to compoſe ſome differences which had ariſen among the principal nobility. Gilbert earl of Gloceſter, the greateſt baron of the kingdom, had eſpouſed the king's daughter; and, being elated by that alliance, and ſtill more by his own power, which he thought ſet him above the laws, he permitted his bailiffs and vaſſals to commit violence on the lands of Humphrey Bohun earl of Hereford, who retaliated the injury by like violence. But this was not a reign in which ſuch illegal proceedings could paſs with impunity. Edward procured a ſentence againſt the two earls, committed them both to priſon, and would not reſtore them to their liberty till he exacted a fine of one thouſand marks from Hereford, and one of ten thouſand from his ſon-in-law.

AWARD IN FAVOUR OF BALIOL. 1292.

During this interval, the titles of John Baliol and of Robert Bruce, whoſe claims appeared to be the beſt founded among the competitors for the crown of Scotland, were the ſubject of general diſquiſition, as well as of debate among the commiſſioners. Edward, in order to give greater authority to his intended deciſion, propoſed this general queſtion both to the commiſſioners and to all the celebrated lawyers in Europe; Whether a perſon deſcended from the eldeſt ſiſter, but farther removed by one degree, were preferable, in the ſucceſſion of kingdoms, fiefs, and other indiviſible inheritances, to one deſcended from the younger

ſiſter, but one degree nearer to the common ſtock? This was the true ſtate of the caſe; and the principle of repreſentation had now gained ſuch ground every where, that an uniform anſwer was returned to the king in the affirmative. He therefore pronounced ſentence in favour of Baliol; and, when Bruce, upon this diſappointment, joined afterwards lord Haſtings, and claimed a third of the kingdom, which he now pretended to be diviſible, Edward, though his intereſt ſeemed more to require the partition of Scotland, again pronounced ſentence in favour of Baliol. That competitor, upon renewing his oath of fealty to England, was put in poſſeſſion of the kingdom;[g] all his fortreſſes were reſtored to him;[h] and the conduct of Edward, both in the deliberate ſolemnity of the proceedings, and in the juſtice of the award, was ſo far unexceptionable.

Had the king entertained no other view than that of eſtabliſhing his ſuperiority over Scotland, though the iniquity of that claim was apparent, and was aggravated by the moſt egregious breach of truſt, he might have fixed his pretenſions, and have left that important acquiſition to his poſterity: but he immediately proceeded in ſuch a manner as made it evident that, not content with this uſurpation, he aimed alſo at the abſolute ſovereignty and dominion of the kingdom. Inſtead of gradually inuring the Scots to the yoke, and exerting his rights of ſuperiority with moderation, he encouraged all appeals to England; required king John himſelf, by ſix different ſummonſes on trivial occaſions, to come to London;[i] refuſed him the privilege of defending his cauſe by a procurator; and obliged him to appear at the bar of his parliament as a private perſon.[k] Theſe humiliating demands were hitherto quite unknown to a king of Scotland; they are, however, the neceſſary conſequence of vaſſalage by the feudal law; and, as there was no preceding inſtance of ſuch treatment ſubmitted to by a prince of that country, Ed-

ward muſt, from that circumſtance alone, had there remained any doubt, have been himſelf convinced that his claim was altogether an uſurpation.[l] But his intention plainly was to enrage Baliol by theſe indignities, to engage him in rebellion, and to aſſume the dominion of the ſtate, as the puniſhment of his treaſon and felony. Accordingly Baliol, though a prince of a ſoft and gentle ſpirit, returned into Scotland highly provoked at this uſage, and determined at all hazards to vindicate his liberty; and the war, which ſoon after broke out between France and England, gave him a favourable opportunity of executing his purpoſe.

WAR WITH FRANCE. 1293.

THE violence, robberies, and diſorders, to which that age was ſo ſubject, were not confined to the licentious barons and their retainers at land: the ſea was equally infeſted with piracy: the feeble execution of the laws had given licenſe to all orders of men: and a general appetite for rapine and revenge, ſupported by a falſe point of honour, had alſo infected the merchants and mariners; and it puſhed them, on any provocation, to ſeek redreſs by immediate retaliation upon the aggreſſors. A Norman and an Engliſh veſſel met off the coaſt near Bayonne; and, both of them having occaſion for water, they ſent their boats to land, and the ſeveral crews came at the ſame time to the ſame ſpring. There enſued a quarrel for the preference. A Norman, drawing his dagger, attempted to ſtab an Engliſhman; who, grappling with him, threw his adverſary on the ground: and the Norman, as was pretended, falling on his own dagger, was ſlain.[m] This ſcuffle between two ſeamen about water ſoon kindled a bloody war between the two nations, and involved a great part of Europe in the quarrel. The mariners of the Norman ſhip carried

their complaints to the French king: Philip, without inquiring into the fact, without demanding redreſs, bade them take revenge, and trouble him no more about the matter.[n] The Normans, who had been more regular than uſual in applying to the crown, needed but this hint to proceed to immediate violence. They ſeized an Engliſh ſhip in the channel; and, hanging, along with ſome dogs, ſeveral of the crew on the yard-arm, in preſence of their companions, diſmiſſed the veſſel;[o] and bade the mariners inform their countrymen that vengeance was now taken for the blood of the Norman killed at Bayonne. This injury, accompanied with ſo general and deliberate an inſult, was reſented by the mariners of the cinque ports; who, without carrying any complaint to the king, or waiting for redreſs, retaliated, by committing like barbarities on all French veſſels without diſtinction. The French, provoked by their loſſes, preyed on the ſhips of all Edward's ſubjects, whether Engliſh or Gaſcon. The ſea became a ſcene of piracy between the nations. The ſovereigns, without either ſeconding or repreſſing the violence of their ſubjects, ſeemed to remain indifferent ſpectators; the Engliſh made private aſſociations with the Iriſh and Dutch ſeamen; the French with the Flemiſh and Genoeſe;[p] and the animoſities of the people on both ſides became every day more violent and barbarous. A fleet of two hundred Norman veſſels ſet ſail to the ſouth for wine and other commodities; and in their paſſage ſeized all the Engliſh ſhips which they met with; hanged the ſeamen, and ſeized the goods. The inhabitants of the Engliſh ſeaports, informed of this incident, fitted out a fleet of ſixty ſail, ſtronger and better manned than the others; and awaited the enemy on their return. After an obſtinate battle, they put them to rout; and ſunk, deſtroyed, or took, the greater part of them.[q] No quarter was given; and it is pretended that the loſs of the French amounted to fifteen thouſand men: which is

accounted for by this circumſtance, that the Norman fleet was employed in tranſporting a conſiderable body of ſoldiers from the ſouth.

The affair was now become too important to be any longer overlooked by the ſovereigns. On Philip's ſending an envoy to demand reparation and reſtitution, the king diſpatched the biſhop of London to the French court, in order to accommodate the quarrel. He firſt ſaid that the Engliſh courts of juſtice were open to all men; and, if any Frenchman were injured, he might ſeek reparation by courſe of law. He next offered to adjuſt the matter by private arbiters, or by a perſonal interview with the king of France, or by a reference either to the pope or the college of cardinals, or any particular cardinals agreed on by both parties.[r] The French, probably the more diſguſted as they were hitherto loſers in the quarrel, refuſed all theſe expedients; the veſſels and the goods of merchants were confiſcated on both ſides; depredations were continued by the Gaſcons on the weſtern coaſt of France, as well as by the Engliſh in the channel; Philip cited the king, as duke of Guienne, to appear in his court at Paris, and anſwer for theſe offences; and Edward, apprehenſive of danger to that province, ſent John St. John, an experienced ſoldier, to Bourdeaux, and gave him directions to put Guienne in a poſture of defence.[s]

That he might, however, prevent a final rupture between the nations, the king diſpatched his brother, Edmond earl of Lancaſter, to Paris; and, as this prince had eſpouſed the queen of Navarre, mother to Jane queen of France, he ſeemed, on account of that alliance, the moſt proper perſon for finding expedients to accommodate the difference. Jane pretended to interpoſe with her good offices; Mary, the queen dowager, feigned the ſame amicable diſpoſition: and theſe two princeſſes told Edmond that the circumſtance the moſt difficult to adjuſt was the point

of honour with Philip, who thought himſelf affronted by the injuries committed againſt him by his ſub-vaſſals in Guienne; but, if Edward would once conſent to give him ſeizin and poſſeſſion of that province, he would think his honour fully repaired, would engage to reſtore Guienne immediately, and would accept of a very eaſy ſatisfaction for all the other injuries. The king was conſulted on the occaſion; and, as he then found himſelf in immediate danger of war with the Scots, which he regarded as the more important concern, this politic prince, blinded by his favourite paſſion for ſubduing that nation, allowed himſelf to be deceived by ſo groſs an artifice.[t] He ſent his brother orders to ſign and execute the treaty with the two queens; Philip ſolemnly promiſed to execute his part of it; and the king's citation to appear in the court of France was accordingly recalled. But the French monarch was no ſooner put in poſſeſſion of Guienne, than the citation was renewed; Edward was condemned for non-appearance; and Guienne, by a formal ſentence, was declared to be forfeited and annexed to the crown.[u]

Edward, fallen into a like ſnare with that which he himſelf had ſpread for the Scots, was enraged; and the more ſo as he was juſtly aſhamed of his own conduct, in being ſo egregiouſly overreached by the court of France. Senſible of the extreme difficulties which he ſhould encounter in the recovery of Gaſcony, where he had not retained a ſingle place in his hands, he endeavoured to compenſate that loſs by forming alliances with ſeveral princes, who he projected ſhould attack France on all quarters, and make a diverſion of her forces. Adolphus de Naſſau, king of the Romans, entered into a treaty with him for that purpoſe;[w] as did alſo Amadæus count of Savoy, the archbiſhop of Cologne, the counts of Gueldre and Luxembourg, the duke of Brabant and count of Barre, who had married his two daughters

Margaret and Eleanor. But theſe alliances were extremely burdenſome to his narrow revenues, and proved in the iſſue entirely ineffectual. More impreſſion was made on Guienne by an Engliſh army, which he completed by emptying the jails of many thouſand thieves and robbers, who had been confined there for their crimes. So low had the profeſſion of arms fallen, and ſo much had it degenerated from the eſtimation in which it ſtood during the vigour of the feudal ſyſtem!

The king himſelf was detained in England, firſt by contrary winds;[x] then by his apprehenſions of a Scottiſh invaſion; and by a rebellion of the Welſh, whom he repreſſed and brought again under ſubjection.[y] The army which he ſent to Guienne was commanded by his nephew John de Bretagne earl of Richmond, and under him by St. John, Tibetot, de Vere, and other officers of reputation;[z] who made themſelves maſters of the town of Bayonne, as well as of Bourg, Blaye, Reole, St. Severe, and other places; which ſtraitened Bourdeaux, and cut off its communication both by ſea and land. The favour which the Gaſcon nobility bore to the Engliſh government facilitated theſe conqueſts, and ſeemed to promiſe ſtill greater ſucceſſes; but this advantage was ſoon loſt by the miſconduct of ſome of the officers. Philip's brother, Charles de Valois, who commanded the French armies, having laid ſiege to Podenſac, a ſmall fortreſs near Reole, obliged Giffard the governor to capitulate; and the articles, though favourable to the Engliſh, left all the Gaſcons priſoners at diſcretion, of whom about fifty were hanged by Charles as rebels. A policy by which he both intimidated that people, and produced an irreparable breach between them and the Engliſh.[a] That prince immediately attacked Reole, where the earl of Richmond himſelf commanded; and, as the place ſeemed not tenable, the Engliſh general drew his troops to the water ſide, with an intention of embarking with the greater part

of the army. The enraged Gaſcons fell upon his rear, and at the ſame time opened their gates to the French; who, beſides making themſelves maſters of the place, took many priſoners of diſtinction. St. Severe was more vigorouſly defended by Hugh de Vere, ſon of the earl of Oxford; but was at laſt obliged to capitulate. The French king, not content with theſe ſucceſſes in Gaſcony, threatened England with an invaſion; and, by a ſudden attempt, his troops took and burnt Dover,[b] but were obliged ſoon after to retire. And, in order to make a greater diverſion of the Engliſh force, and engage Edward in dangerous and important wars, he formed a ſecret alliance with John Baliol king of Scotland; the commencement of that ſtrict union which, during ſo many centuries, was maintained by mutual intereſts and neceſſities between the French and Scottiſh nations. John confirmed this alliance, by ſtipulating a marriage between his eldeſt ſon and the daughter of Charles de Valois.[c]

CONSTITUTION OF PARLIAMENT.

THE expenſes attending theſe multiplied wars of Edward, and his preparations for war, joined to alterations which had inſenſibly taken place in the general ſtate of affairs, obliged him to have frequent recourſe to parliamentary ſupplies, introduced the lower orders of the ſtate into the public councils, and laid the foundations of great and important changes in the government.

Though nothing could be worſe calculated for cultivating the arts of peace, or maintaining peace itſelf, than the long ſubordination of vaſſalage from the king to the meaneſt gentleman, and the conſequent ſlavery of the lower people; evils inſeparable from the feudal ſyſtem; that ſyſtem was never able to fix the ſtate in a proper warlike poſture, or give it the full exertion

of its power for defence, and ſtill leſs for offence, againſt a public enemy. The military tenants, unacquainted with obedience, unexperienced in war, held a rank in the troops by their birth, not by their merits or ſervices; compoſed a diſorderly, and conſequently a feeble, army; and, during the few days which they were obliged by their tenures to remain in the field, were often more formidable to their own prince than to foreign powers, againſt whom they were aſſembled. The ſovereigns came gradually to diſuſe this cumberſome and dangerous machine, ſo apt to recoil upon the hand which held it; and, exchanging the military ſervice for pecuniary ſupplies, inliſted forces by means of a contract with particular officers (ſuch as thoſe the Italians denominate 'condottieri,') whom they diſmiſſed at the end of the war.[d] The barons and knights themſelves often entered into theſe engagements with the prince; and were enabled to fill their bands, both by the authority which they poſſeſſed over their vaſſals and tenants, and from the great numbers of looſe diſorderly people whom they found on their eſtates, and who willingly embraced an opportunity of gratifying their appetite for war and rapine.

Meanwhile the old Gothic fabric, being neglected, went gradually to decay. Though the Conqueror had divided all the lands of England into ſixty thouſand knights' fees, the number of theſe was inſenſibly diminiſhed by various artifices; and the king at laſt found that, by putting the law in execution, he could aſſemble a ſmall part only of the ancient force of the kingdom. It was a uſual expedient for men, who held of the king or great barons by military tenure, to transfer their land to the church, and receive it back by another tenure, called 'frankalmoigne,' by which they were not bound to perform any ſervice.[e] A law was made againſt this practice; but the abuſe had probably gone far before it was attended to, and probably

was not entirely corrected by the new ſtatute, which, like moſt laws of that age, we may conjecture to have been but feebly executed by the magiſtrate againſt the perpetual intereſt of ſo many individuals. The conſtable and mareſchal, when they muſtered the armies, often in a hurry, and for want of better information, received the ſervice of a baron for fewer knights' fees than were due by him; and one precedent of this kind was held good againſt the king, and became ever after a reaſon for diminiſhing the ſervice.[f] The rolls of knights' fees were inaccurately kept; no care was taken to correct them before the armies were ſummoned into the field;[g] it was then too late to think of examining records and charters; and the ſervice was accepted on the footing which the vaſſal himſelf was pleaſed to acknowledge, after all the various ſubdiviſions and conjunctions of property had thrown an obſcurity on the nature and extent of his tenure.[h] It is eaſy to judge of the intricacies which would attend diſputes of this kind with individuals, when even the number of military fees belonging to the church, whoſe property was fixed and unalienable, became the ſubject of controverſy; and we find, in particular, that, when the biſhop of Durham was charged with ſeventy knights' fees, for the aid levied on occaſion of the marriage of Henry II's daughter to the duke of Saxony, the prelate acknowledged ten, and diſowned the other ſixty.[i] It is not known in what manner this difference was terminated; but, had the queſtion been concerning an armament to defend the kingdom, the biſhop's ſervice would probably have been received without oppoſition for ten fees; and this rate muſt alſo have fixed all his future payments. Pecuniary ſcutages, therefore, diminiſhed as much as military ſervices;[k] other methods of filling the exchequer, as well as the armies, muſt be deviſed; new ſituations produced new laws and inſtitutions; and the great alterations in the finances and mili-

tary power of the crown, as well as in private property, were the ſource of equal innovations in every part of the legiſlature or civil government.

The exorbitant eſtates, conferred by the Norman on his barons and chieftains, remained not long entire and unimpaired. The landed property was gradually ſhared out into more hands; and thoſe immenſe baronies were divided, either by proviſions to younger children, by partitions among co-heirs, by ſale, or by eſcheating to the king, who gratified a great number of his courtiers by dealing them out among them in ſmaller portions. Such moderate eſtates, as they required economy, and confined the proprietors to live at home, were better calculated for duration; and the order of knights and ſmall barons grew daily more numerous, and began to form a very reſpectable rank or order in the ſtate. As they were all immediate vaſſals of the crown by military tenure, they were, by the principles of the feudal law, equally entitled with the greateſt barons to a ſeat in the national or general councils; and this right, though regarded as a privilege which the owners would not entirely relinquiſh, was alſo conſidered as a burden, which they deſired to be ſubjected to on extraordinary occaſions only. Hence it was provided, in the charter of king John, that, while the great barons were ſummoned to the national council by a particular writ, the ſmall barons, under which appellation the knights were alſo comprehended, ſhould only be called by a general ſummons of the ſheriff. The diſtinction between great and ſmall barons, like that between rich and poor, was not exactly defined; but, agreeably to the inaccurate genius of that age, and to the ſimplicity of ancient government, was left very much to be determined by the diſcretion of the king and his miniſters. It was uſual for the prince to require, by a particular ſummons, the attendance of a baron in one parliament, and to neglect him in

future parliaments;[l] nor was this uncertainty ever complained of as an injury. He attended when required; he was better pleaſed, on other occaſions, to be exempted from the burden; and, as he was acknowledged to be of the ſame order with the greateſt barons, it gave them no ſurpriſe to ſee him take his ſeat in the great council, whether he appeared of his own accord, or by a particular ſummons from the king. The barons by writ, therefore, began gradually to intermix themſelves with the barons by tenure; and, as Camden tells us,[m] from an ancient manuſcript now loſt, that after the battle of Eveſham a poſitive law was enacted, prohibiting every baron from appearing in parliament who was not invited thither by a particular ſummons, the whole baronage of England held theneeforward their ſeat by writ, and this important privilege of their tenures was in effect aboliſhed. Only, where writs had been regularly continued for ſome time in one great family, the omiſſion of them would have been regarded as an affront, and even as an injury.

A like alteration gradually took place in the order of earls, who were the higheſt rank of barons. The dignity of an earl, like that of a baron, was anciently territorial and official;[n] he exerciſed juriſdiction within his county; he levied the third of the fines to his own profit; he was at once a civil and a military magiſtrate; and, though his authority, from the time of the Norman conqueſt, was hereditary in England, the title was ſo much connected with the office that, where the king intended to create a new earl, he had no other expedient than to erect a certain territory into a county or earldom, and to beſtow it upon the perſon and his family.[o] But, as the ſheriffs, who were the vicegerents of the earls, were named by the king, and removable at pleaſure, he found them more dependent upon him; and endeavoured to throw the whole authority and juriſdiction

of the office into their hands. This magiſtrate was at the head of the finances, and levied all the king's rents within the county; he aſſeſſed at pleaſure the tallages of the inhabitants in royal demeſne; he had uſually committed to him the management of wards, and often of eſcheats; he preſided in the lower courts of judicature, and thus, though inferior to the earl in dignity, he was ſoon conſidered, by this union of the judicial and fiſcal powers, and by the confidence repoſed in him by the king, as much ſuperior to him in authority, and undermined his influence within his own juriſdiction.[P] It became uſual, in creating an earl, to give him a fixed ſalary, commonly about twenty pounds a year, in lieu of his third of the fines. The diminution of his power kept pace with the retrenchment of his profit; and the dignity of earl, inſtead of being territorial and official, dwindled into perſonal and titular. Such were the mighty alterations which already had fully taken place, or were gradually advancing, in the houſe of peers; that is, in the parliament; for there ſeems anciently to have been no other houſe.

But, though the introduction of barons by writ, and of titular earls, had given ſome increaſe to royal authority, there were other cauſes which counterbalanced thoſe innovations, and tended in a higher degree to diminiſh the power of the ſovereign. The diſuſe, into which the feudal militia had in a great meaſure fallen, made the barons almoſt entirely forget their dependance on the crown; by the diminution of the number of knights' fees, the king had no reaſonable compenſation when he levied ſcutages, and exchanged their ſervice for money; the alienations of the crown lands had reduced him to poverty; and, above all, the conceſſion of the Great Charter had ſet bounds to royal power, and had rendered it more difficult and dangerous for the prince to exert any extraordinary act of arbitrary authority. In this ſituation it was natural for the king to court the friendſhip of the

leſſer barons and knights, whoſe influence was noways dangerous to him, and who, being expoſed to oppreſſion from their powerful neighbours, ſought a legal protection under the ſhadow of the throne. He deſired, therefore, to have their preſence in parliament, where they ſerved to control the turbulent reſolutions of the great. To exact a regular attendance of the whole body would have produced confuſion, and would have impoſed too heavy a burden upon them: to ſummon only a few by writ, though it was practiſed, and had a good effect, ſerved not entirely the king's purpoſe; becauſe theſe members had no farther authority than attended their perſonal character, and were eclipſed by the appearance of the more powerful nobility; he therefore diſpenſed with the attendance of moſt of the leſſer barons in parliament; and, in return for this indulgence (for ſuch it was then eſteemed), required them to chooſe in each county a certain number of their own body, whoſe charges they bore, and who, having gained the confidence, carried with them of courſe the authority, of the whole order. This expedient had been practiſed at different times in the reign of Henry III,[q] and regularly during that of the preſent king. The numbers ſent up by each county varied at the will of the prince;[r] they took their ſeat among the other peers, becauſe by their tenure they belonged to that order;[s] the introducing of them into that houſe ſcarcely appeared an innovation; and, though it was eaſily in the king's power, by varying their number, to command the reſolutions of the whole parliament, this circumſtance was little attended to in an age when force was more prevalent than laws, and when a reſolution, though taken by the majority of a legal aſſembly, could not be executed if it oppoſed the will of the more powerful minority.

But there were other important conſequences, which followed the diminution and conſequent diſuſe of the ancient feudal mi-

litia. The king's expenſe, in levying and maintaining a military force for every enterpriſe, was increaſed beyond what his narrow revenues were able to bear. As the ſcutages of his military tenants, which were accepted in lieu of their perſonal ſervice, had fallen to nothing, there were no means of ſupply but from voluntary aids granted him by the parliament and clergy, or from the tallages which he might levy upon the towns and inhabitants in royal demeſne. In the preceding year Edward had been obliged to exact no leſs than the ſixth of all moveables from the laity, and a moiety of all eccleſiaſtical benefices, for his expedition into Poictou, and the ſuppreſſion of the Welſh: and this diſtreſsful ſituation, which was likely often to return upon him and his ſucceſſors, made him think of a new device, and ſummon the repreſentatives of all the boroughs to parliament. This period, which is the twenty-third of his reign, ſeems to be the real and true epoch of the houſe of commons, and the faint dawn of popular government in England. For the repreſentatives of the counties were only deputies from the ſmaller barons and leſſer nobility: and the former precedent of repreſentatives from the boroughs, who were ſummoned by the earl of Leiceſter, was regarded as the act of a violent uſurpation; had been diſcontinued in all the ſubſequent parliaments; and, if ſuch a meaſure had not become neceſſary on other accounts, that precedent was more likely to blaſt than give credit to it.

During the courſe of ſeveral years the kings of England, in imitation of other European princes, had embraced the ſalutary policy of encouraging and protecting the lower and more induſtrious orders of the ſtate; whom they found well diſpoſed to obey the laws and civil magiſtrate, and whoſe ingenuity and labour furniſhed commodities requiſite for the ornament of peace and ſupport of war. Though the inhabitants of the country were

ſtill leſs at the diſpoſal of their imperious lords, many attempts were made to give more ſecurity and liberty to citizens, and make them enjoy unmoleſted the fruits of their induſtry. Boroughs were erected by royal patent within the demeſne lands; liberty of trade was conferred upon them; the inhabitants were allowed to farm at a fixed rent their own tolls [u] and cuſtoms; they were permitted to elect their own magiſtrates; juſtice was adminiſtered to them by theſe magiſtrates, without obliging them to attend the ſheriff or county court; and ſome ſhadow of independence, by means of theſe equitable privileges, was gradually acquired by the people.[w] The king, however, retained ſtill the power of levying tallages or taxes upon them at pleaſure;[x] and, though their poverty, and the cuſtoms of the age, made theſe demands neither frequent nor exorbitant, ſuch unlimited authority in the ſovereign was a ſenſible check upon commerce, and was utterly incompatible with all the principles of a free government. But, when the multiplied neceſſities of the crown produced a greater avidity for ſupply, the king, whoſe prerogative entitled him to exact it, found that he had not power ſufficient to enforce his edicts, and that it was neceſſary, before he impoſed taxes, to ſmooth the way for his demand, and to obtain the previous conſent of the boroughs, by ſolicitations, remonſtrances, and authority. The inconvenience of tranſacting this buſineſs with every particular borough was ſoon felt; and Edward became ſenſible that the moſt expeditious way of obtaining ſupply was to aſſemble the deputies of all the boroughs, to lay before them the neceſſities of the ſtate, to diſcuſs the matter in their preſence, and to require their conſent to the demands of their ſovereign. For this reaſon he iſſued writs to the ſheriffs, enjoining them to ſend to parliament, along with two knights of the ſhire, two deputies from each borough within their county;[y] and theſe provided with ſufficient powers from

their community to conſent, in their name, to what he and his council ſhould require of them.' 'As it is a moſt equitable rule,' ſays he, in his preamble to this writ, 'that what concerns all ſhould be approved of by all; and common dangers be repelled by united efforts.' A noble principle; which may ſeem to indicate a liberal mind in the king, and which laid the foundation of a free and an equitable government.

After the election of theſe deputies by the aldermen and common council, they gave ſureties for their attendance before the king and parliament. Their charges were reſpectively born by the borough which ſent them. And they had ſo little idea of appearing as legiſlators, a character extremely wide of their low rank and condition,[a] that no intelligence could be more diſagreeable to any borough than to find that they muſt elect, or to any individual than that he was elected, to a truſt from which no profit or honour could poſſibly be derived.[b] They compoſed not, properly ſpeaking, any eſſential part of the parliament: they ſat apart both from the barons and knights,[c] who diſdained to mix with ſuch mean perſonages. After they had given their conſent to the taxes required of them, their buſineſs being then finiſhed, they ſeparated, even though the parliament ſtill continued to ſit, and to canvaſs the national buſineſs.[d] And, as they all conſiſted of men who were real burgeſſes of the place from which they were ſent, the ſheriff, when he found no perſon of abilities or wealth ſufficient for the office, often uſed the freedom of omitting particular boroughs in his returns; and, as he received the thanks of the people for this indulgence, he gave no diſpleaſure to the court, who levied on all the boroughs, without diſtinction, the tax agreed to by the majority of deputies.[e]

The union, however, of the repreſentatives from the boroughs gave gradually more weight to the whole order; and it became

cuſtomary for them, in return for the ſupplies which they granted, to prefer petitions to the crown for the redreſs of any particular grievance of which they found reaſon to complain. The more the king's demands multiplied, the faſter theſe petitions increaſed both in number and authority; and the prince found it difficult to refuſe men whoſe grants had ſupported his throne, and to whoſe aſſiſtance he might ſo ſoon be again obliged to have recourſe. The commons, however, were ſtill much below the rank of legiſlators.[f] Their petitions, though they received a verbal aſſent from the throne, were only the rudiments of laws; the judges were afterwards intruſted with the power of putting them into form; and the king, by adding to them the ſanction of his authority, and that ſometimes without the aſſent of the nobles, beſtowed validity upon them. The age did not refine ſo much as to perceive the danger of theſe irregularities. No man was diſpleaſed that the ſovereign, at the deſire of any claſs of men, ſhould iſſue an order which appeared only to concern that claſs; and his predeceſſors were ſo near poſſeſſing the whole legiſlative power, that he gave no diſguſt by aſſuming it in this ſeemingly inoffenſive manner. But time and farther experience gradually opened men's eyes, and corrected theſe abuſes. It was found that no laws could be fixed for one order of men without affecting the whole; and that the force and efficacy of laws depended entirely on the terms employed in wording them. The houſe of peers, therefore, the moſt powerful order in the ſtate, with reaſon expected that their aſſent ſhould be expreſsly granted to all public ordinances;[g] and in the reign of Henry V the commons required that no laws ſhould be framed merely upon their petitions, unleſs the ſtatutes were worded by themſelves, and had paſſed their houſe in the form of a bill.[h]

But, as the ſame cauſes which had produced a partition of property continued ſtill to operate, the number of knights and

leſſer barons, or what the Engliſh call the gentry, perpetually increaſed; and they ſunk into a rank ſtill more inferior to the great nobility. The equality of tenure was loſt in the great inferiority of power and property; and the houſe of repreſentatives from the counties was gradually ſeparated from that of the peers, and formed a diſtinct order in the ſtate.[j] The growth of commerce meanwhile augmented the private wealth and conſideration of the burgeſſes; the frequent demands of the crown increaſed their public importance; and, as they reſembled the knights of ſhires in one material circumſtance, that of repreſenting particular bodies of men, it no longer appeared unſuitable to unite them together in the ſame houſe, and to confound their rights and privileges.[k] Thus the third eſtate, that of the commons, reached at laſt its preſent form; and, as the country gentlemen made thenceforwards no ſcruple of appearing as deputies from the boroughs, the diſtinction between the members was entirely loſt, and the lower houſe acquired thence a great acceſſion of weight and importance in the kingdom. Still, however, the office of this eſtate was very different from that which it has ſince exerciſed with ſo much advantage to the public. Inſtead of checking and controlling the authority of the king, they were naturally induced to adhere to him as the great fountain of law and juſtice, and to ſupport him againſt the power of the ariſtocracy; which at once was the ſource of oppreſſion to themſelves, and diſturbed him in the execution of the laws. The king, in his turn, gave countenance to an order of men ſo uſeful and ſo little dangerous: the peers alſo were obliged to pay them ſome conſideration: and by this means the third eſtate, formerly ſo abject in England, as well as in all other European nations, roſe by ſlow degrees to their preſent importance; and in their progreſs made arts and commerce, the neceſſary attendants of liberty and equality, flouriſh in the kingdom.[l]

What ſufficiently proves that the commencement of the houſe of burgeſſes, who are the true commons, was not an affair of chance, but aroſe from the neceſſities of the preſent ſituation, is, that Edward at the very ſame time ſummoned deputies from the inferior clergy, the firſt that ever met in England;[m] and he required them to impoſe taxes on their conſtituents for the public ſervice. Formerly the eccleſiaſtical benefices bore no part of the burdens of the ſtate. The pope indeed of late had often levied impoſitions upon them; he had ſometimes granted this power to the ſovereign.[n] The king himſelf had in the preceding year exacted, by menaces and violence, a very grievous tax of half the revenues of the clergy: but, as this precedent was dangerous, and could not eaſily be repeated in a government which required the conſent of the ſubject to any extraordinary reſolution, Edward found it more prudent to aſſemble a lower houſe of convocation, to lay before them his neceſſities, and to aſk ſome ſupply. But on this occaſion he met with difficulties. Whether that the clergy thought themſelves the moſt independent body in the kingdom, or were diſguſted by the former exorbitant impoſitions, they abſolutely refuſed their aſſent to the king's demand of a fifth of their moveables; and it was not till a ſecond meeting that, on their perſiſting in this refuſal, he was willing to accept of a tenth. The barons and knights granted him, without heſitation, an eleventh; the burgeſſes a ſeventh. But the clergy ſtill ſcrupled to meet on the king's writ, leſt by ſuch an inſtance of obedience they ſhould ſeem to acknowledge the authority of the temporal power: and this compromiſe was at laſt fallen upon, that the king ſhould iſſue his writ to the archbiſhop; and that the archbiſhop ſhould, in conſequence of it, ſummon the clergy; who, as they then appeared to obey their ſpiritual ſuperior, no longer heſitated to meet in convocation. This expedient, however, was the cauſe why the eccleſi-

aſtics were ſeparated into two houſes of convocation under their ſeveral archbiſhops, and formed not one eſtate, as in other countries of Europe; which was at firſt the king's intention.[o] We now return to the courſe of our narration.

SCOTLAND SUBDUED. 1296.

EDWARD, conſcious of the reaſons of diſguſt which he had given to the king of Scots; informed of the diſpoſitions of that people; and expecting the moſt violent effects of their reſentment, which he knew he had ſo well merited; employed the ſupplies granted him by his people in making preparations againſt the hoſtilities of his northern neighbour. When in this ſituation, he received intelligence of the treaty ſecretly concluded between John and Philip; and, though uneaſy at this concurrence of a French and Scottiſh war, he reſolved not to encourage his enemies by a puſillanimous behaviour, or by yielding to their united efforts. He ſummoned John to perform the duty of a vaſſal, and to ſend him a ſupply of forces againſt an invaſion from France, with which he was then threatened: he next required that the fortreſſes of Berwick, Jedborough, and Roxborough, ſhould be put into his hands, as a ſecurity during the war:[p] he cited John to appear in an Engliſh parliament to be held at Newcaſtle: and when none of theſe ſucceſſive demands were complied with, he marched northward with numerous forces, thirty thouſand foot and four thouſand horſe, to chaſtiſe his rebellious vaſſal. The Scottiſh nation, who had little reliance on the vigour and abilities of their prince, aſſigned him a council of twelve noblemen, in whoſe hands the ſovereignty was really lodged,[q] and who put the country in the beſt poſture of which the preſent diſtractions would admit. A great army, compoſed of forty thouſand infantry, though ſupported only by

ſive hundred cavalry, advanced to the frontiers; and, after a fruitleſs attempt upon Carliſle, marched eaſtwards to defend thoſe provinces which Edward was preparing to attack. But ſome of the moſt conſiderable of the Scottiſh nobles, Robert Bruce the father and ſon, the earls of March and Angus, prognoſticating the ruin of their country, from the concurrence of inteſtine diviſions and a foreign invaſion, endeavoured here to ingratiate themſelves with Edward by an early ſubmiſſion; and the king, encouraged by this favourable incident, led his army into the enemy's country, and croſſed the Tweed without oppoſition at Coldſtream. He then received a meſſage from John, by which that prince, having now procured for himſelf and his nation pope Celeſtine's diſpenſation from former oaths, renounced the homage which had been done to England, and ſet Edward at defiance.[r] This bravado was but ill ſupported by the military operations of the Scots. Berwick was already taken by aſſault; ſir William Douglas, the governor, was made priſoner; above ſeven thouſand of the garriſon were put to the ſword; and Edward, elated by this great advantage, diſpatched earl Warrenne, with twelve thouſand men, to lay ſiege to Dunbar, which was defended by the flower of the Scottiſh nobility.

The Scots, ſenſible of the importance of this place, which, if taken, laid their whole country open to the enemy, advanced with their main army, under the command of the earls of Buchan, Lenox, and Marre, in order to relieve it. Warrenne, not diſmayed at the great ſuperiority of their number, marched out to give them battle. He attacked them with great vigour; and, as undiſciplined troops, when numerous, are but the more expoſed to a panic upon any alarm, he ſoon threw them into confuſion, and chaſed them off the field with great ſlaughter. The loſs of the Scots is ſaid to have amounted to twenty thouſand men. The caſtle of Dunbar, with all its garriſon, ſurrendered

BALIOL SURRENDERING HIS CROWN TO EDWARD I.

next day to Edward; who, after the battle, had brought up the main body of the Engliſh, and who now proceeded with an aſſured confidence of ſucceſs. The caſtle of Roxborough was yielded by James, ſteward of Scotland; and that nobleman, from whom is deſcended the royal family of Stuart, was again obliged to ſwear fealty to Edward. After a feeble reſiſtance, the caſtles of Edinburgh and Stirling opened their gates to the enemy. All the ſouthern parts were inſtantly ſubdued by the Engliſh: and, to enable them the better to reduce the northern, whoſe inacceſſible ſituation ſeemed to give them ſome more ſecurity, Edward ſent for a ſtrong reinforcement of Welſh and Iriſh; who, being accuſtomed to a deſultory kind of war, were the beſt fitted to purſue the fugitive Scots into the receſſes of their lakes and mountains. But the ſpirit of the nation was already broken by their misfortunes; and the feeble and timid Baliol, diſcontented with his own ſubjects, and overawed by the Engliſh, abandoned all thoſe reſources which his people might yet have poſſeſſed in this extremity. He haſtened to make his ſubmiſſions to Edward; he expreſſed the deepeſt penitence for his diſloyalty to his liege lord; and he made a ſolemn and irrevocable reſignation of his crown into the hands of that monarch.[s] Edward marched northwards to Aberdeen and Elgin, without meeting an enemy: no Scotchman approached him but to pay him ſubmiſſion and do him homage: even the turbulent Highlanders, ever refractory to their own princes, and averſe to the reſtraint of laws, endeavoured to prevent the devaſtation of their country, by giving him early proofs of obedience: and Edward, having brought the whole kingdom to a ſeeming ſtate of tranquillity, returned to the ſouth with his army. There was a ſtone, to which the popular ſuperſtition of the Scots paid the higheſt veneration; all their kings were ſeated on it when they received the rite of inauguration. An ancient tradition aſſured them

that, wherever this ſtone was placed, their nation ſhould always govern; and it was carefully preſerved at Scone, as the true palladium of their monarchy, and their ultimate reſource amidſt all their misfortunes. Edward got poſſeſſion of it; and carried it with him to England.[t] He gave orders to deſtroy the records, and all thoſe monuments of antiquity which might preſerve the memory of the independence of the kingdom, and refute the Engliſh claims of ſuperiority. The Scots pretend that he alſo deſtroyed all the annals preſerved in their convents. But it is not probable that a nation ſo rude and unpoliſhed ſhould be poſſeſſed of any hiſtory which deſerves much to be regretted. The great ſeal of Baliol was broken; and that prince himſelf was carried priſoner to London, and committed to cuſtody in the tower. Two years after he was reſtored to liberty, and ſubmitted to a voluntary baniſhment in France; where, without making any farther attempts for the recovery of his royalty, he died in a private ſtation. Earl Warrenne was left governor of Scotland;[u] Engliſhmen were intruſted with the chief offices; and Edward, flattering himſelf that he had attained the end of all his wiſhes, and that the numerous acts of fraud and violence, which he had practiſed againſt Scotland, had terminated in the final reduction of that kingdom, returned with his victorious army into England.

WAR WITH FRANCE.

An attempt, which he made about the ſame time, for the recovery of Guienne, was not equally ſucceſsful. He ſent thither an army of ſeven thouſand men, under the command of his brother the earl of Lancaſter. That prince gained at firſt ſome advantages over the French at Bourdeaux; but he was ſoon after ſeized with a diſtemper, of which he died at Bayonne.

The command devolved on the earl of Lincoln, who was not able to perform any thing conſiderable during the reſt of the campaign.[w]

But the active and ambitious ſpirit of Edward, while his conqueſts brought ſuch conſiderable acceſſions to the Engliſh monarchy, could not be ſatisfied ſo long as Guienne, the ancient patrimony of his family, was wreſted from him by the diſhoneſt artifices of the French monarch. Finding that the diſtance of that province rendered all his efforts againſt it feeble and uncertain, he purpoſed to attack France in a quarter where ſhe appeared more vulnerable: and with this view he married his daughter Elizabeth to John earl of Holland; and at the ſame time contracted an alliance with Guy earl of Flanders; ſtipulated to pay him the ſum of ſeventy-five thouſand pounds; and projected an invaſion, with their united forces, upon Philip, their common enemy.[x] He hoped that, when he himſelf, at the head of the Engliſh, Flemiſh, and Dutch, armies, reinforced by his German allies, to whom he had promiſed or remitted conſiderable ſums, ſhould enter the frontiers of France, and threaten the capital itſelf, Philip would at laſt be obliged to relinquiſh his acquiſitions, and purchaſe peace by the reſtitution of Guienne. But, in order to ſet this great machine in movement, conſiderable ſupplies were requiſite from the parliament; and Edward, without much difficulty, obtained from the barons and knights a new grant of a twelfth of all their moveables, and from the boroughs that of an eighth. The great, and almoſt unlimited, power of the king over the latter enabled him to throw the heavier part of the burden on them; and the prejudices which he ſeems always to have entertained againſt the church, on account of the former zeal of the clergy for the Mountfort faction, made him reſolve to load them with ſtill more conſiderable impoſitions, and he required of them a fifth of their moveables.

But he here met with an oppoſition which for ſome time diſconcerted all his meaſures, and engaged him in enterpriſes that were ſomewhat dangerous to him, and would have proved fatal to any of his predeceſſors.

DISSENSIONS WITH THE CLERGY.

BONIFACE VIII, who had ſucceeded Celeſtine in the papal throne, was a man of the moſt lofty and enterpriſing ſpirit; and, though not endowed with that ſeverity of manners which commonly accompanies ambition in men of his order, he was determined to carry the authority of the tiara, and his dominion over the temporal power, to as great a height as it had ever attained in any former period. Senſible that his immediate predeceſſors, by oppreſſing the church in every province of Chriſtendom, had extremely alienated the affections of the clergy, and had afforded the civil magiſtrate a pretence for laying like impoſitions on eccleſiaſtical revenues, he attempted to reſume the former ſtation of the ſovereign pontiff, and to eſtabliſh himſelf as the common protector of the ſpiritual order againſt all invaders. For this purpoſe he iſſued very early in his pontificate a general bull, prohibiting all princes from levying, without his conſent, any taxes upon the clergy, and all clergymen from ſubmitting to ſuch impoſitions; and he threatened both of them with the penalties of excommunication in caſe of diſobedience.[y] This important edict is ſaid to have been procured by the ſolicitation of Robert de Winchelſey, archbiſhop of Canterbury; who intended to employ it as a rampart againſt the violent extortions which the church had felt from Edward, and the ſtill greater which that prince's multiplied neceſſities gave them reaſon to apprehend. When a demand, therefore, was made on the clergy of a fifth of their moveables, (a tax which was probably much

more grievous than a fifth of their revenue, as their lands were moſtly ſtocked with their cattle, and cultivated by their villains) the clergy took ſhelter under the bull of pope Boniface, and pleaded conſcience in refuſing compliance.[z] The king came not immediately to extremities on this repulſe; but, after locking up all their granaries and barns, and prohibiting all rent to be paid them, he appointed a new ſynod to confer with him upon his demand. The primate, not diſmayed by theſe proofs of Edward's reſolution, here plainly told him that the clergy owed obedience to two ſovereigns, their ſpiritual and their temporal; but their duty bound them to a much ſtricter attachment to the former than to the latter; they could not comply with his commands (for ſuch, in ſome meaſure, the requeſts of the crown were then deemed) in contradiction to the expreſs prohibition of the ſovereign pontiff.[a]

The clergy had ſeen, in many inſtances, that Edward paid little regard to thoſe numerous privileges on which they ſet ſo high a value. He had formerly ſeized, in an arbitrary manner, all the money and plate belonging to the churches and convents, and had applied them to the public ſervice;[b] and they could not but expect more violent treatment on this ſharp refuſal, grounded on ſuch dangerous principles. Inſtead of applying to the pope for a relaxation of his bull, he reſolved immediately to employ the power in his hands; and he told the eccleſiaſtics that, ſince they refuſed to ſupport the civil government, they were unworthy to receive any benefit from it; and he would accordingly put them out of the protection of the laws. This vigorous meaſure was immediately carried into execution.[c] Orders were iſſued to the judges to receive no cauſe brought before them by the clergy; to hear and decide all cauſes in which they were defendants; to do every man juſtice againſt them; to do them juſtice againſt nobody.[d] The eccleſiaſtics ſoon found themſelves

in the moſt miſerable ſituation imaginable. They could not remain in their own houſes or convents for want of ſubſiſtence; if they went abroad in queſt of maintenance, they were diſmounted, robbed of their horſes and clothes, abuſed by every ruffian; and no redreſs could be obtained by them for the moſt violent injury. The primate himſelf was attacked on the highway; was ſtripped of his equipage and furniture; and was at laſt reduced to board himſelf, with a ſingle ſervant, in the houſe of a country clergyman.[e] The king meanwhile remained an indifferent ſpectator of all theſe violences; and, without employing his officers in committing any immediate injury on the prieſts, which might have appeared invidious and oppreſſive, he took ample vengeance on them for their obſtinate refuſal of his demands. Though the archbiſhop iſſued a general ſentence of excommunication againſt all who attacked the perſons or property of eccleſiaſtics, it was not regarded; while Edward enjoyed the ſatisfaction of ſeeing the people become the voluntary inſtruments of his juſtice againſt them, and inure themſelves to throw off that reſpect for the ſacred order, by which they had ſo long been overawed and governed.

The ſpirits of the clergy were at laſt broken by this harſh treatment. Beſides that the whole province of York, which lay neareſt the danger that ſtill hung over them from the Scots, voluntarily, from the firſt, voted a fifth of their moveables; the biſhops of Saliſbury, Ely, and ſome others, made a compoſition for the ſecular clergy within their dioceſes: and they agreed not to pay the fifth, which would have been an act of diſobedience to Boniface's bull, but to depoſit a ſum equivalent in ſome church appointed them; whence it was taken by the king's officers.[f] Many particular convents and clergymen made payment of a like ſum, and received the king's protection.[g] Thoſe who had not ready money entered into recognizances for the pay-

ment. And there was ſcarcely found one eccleſiaſtic in the kingdom who ſeemed willing to ſuffer, for the ſake of religious privileges, this new ſpecies of martyrdom; the moſt tedious and languiſhing of any; the moſt mortifying to ſpiritual pride; and not rewarded by that crown of glory which the church holds up, with ſuch oſtentation, to her devoted adherents.

ARBITRARY MEASURES. 1297.

But, as the money granted by parliament, though conſiderable, was not ſufficient to ſupply the king's neceſſities, and that levied by compoſitions with the clergy came in ſlowly, Edward was obliged, for the obtaining of farther ſupply, to exert his arbitrary power, and to lay an oppreſſive hand on all orders of men in the kingdom. He limited the merchants in the quantity of wool allowed to be exported; and at the ſame time forced them to pay him a duty of forty ſhillings a ſack, which was computed to be above the third of the value.[h] He ſeized all the reſt of the wool, as well as all the leather of the kingdom, into his hands, and diſpoſed of theſe commodities [i] for his own benefit. He required the ſheriffs of each county to ſupply him with two thouſand quarters of wheat, and as many of oats; which he permitted them to ſeize wherever they could find them. The cattle and other commodities, neceſſary for ſupplying his army, were laid hold of without the conſent of the owners.[k] And, though he promiſed to pay afterwards the equivalent of all theſe goods, men ſaw but little probability that a prince, who ſubmitted ſo little to the limitations of law, could ever, amidſt his multiplied neceſſities, be reduced to a ſtrict obſervance of his engagements. He ſhewed, at the ſame time, an equal diſregard to the principles of the feudal law, by which all the lands of his kingdom were held. In order to increaſe his army, and

enable him to ſupport that great effort which he intended to make againſt France, he required the attendance of every proprietor of land poſſeſſed of twenty pounds a year, even though he held not of the crown, and was not obliged by his tenure to perform any ſuch ſervice.[l]

Theſe acts of violence and of arbitrary power, notwithſtanding the great perſonal regard generally born to the king, bred murmurs in every order of men; and it was not long ere ſome of the great nobility, jealous of their own privileges as well as of national liberty, gave countenance and authority to theſe complaints. Edward aſſembled on the ſea coaſt an army, which he purpoſed to ſend over to Gaſcony, while he himſelf ſhould in perſon make an impreſſion on the ſide of Flanders; and he intended to put theſe forces under the command of Humphrey Bohun earl of Hereford, the conſtable, and Roger Bigod earl of Norfolk, the mareſchal of England. But theſe two powerful earls refuſed to execute his commands, and affirmed that they were only obliged by their office to attend his perſon in the wars. A violent altercation enſued; and the king, in the height of his paſſion, addreſſing himſelf to the conſtable, exclaimed, 'Sir earl, by God, you ſhall either go or hang.' 'By God, ſir king,' replied Hereford, 'I will neither go [m] nor hang.' And he immediately departed, with the mareſchal, and above thirty other conſiderable barons.

Upon this oppoſition the king laid aſide the project of an expedition againſt Guienne, and aſſembled the forces which he himſelf purpoſed to tranſport into Flanders. But the two earls, irritated in the conteſt, and elated by impunity, pretending that none of their anceſtors had ever ſerved in that country, refuſed to perform the duty of their office in muſtering the army.[n] The king, now finding it adviſable to proceed with moderation, inſtead of attainting the earls, who poſſeſſed their dignities by

hereditary right, appointed Thomas de Berkeley, and Geoffrey de Geyneville, to act, in that emergence, as conſtable and mareſchal.[o] He endeavoured to reconcile himſelf with the church; took the primate again into favour;[p] made him, in conjunction with Reginald de Grey, tutor to the prince, whom he intended to appoint guardian of the kingdom during his abſence; and he even aſſembled a great number of the nobility in Weſtminſter-hall, to whom he deigned to make an apology for his paſt conduct. He pleaded the urgent neceſſities of the crown; his extreme want of money; his engagements from honour as well as intereſt to ſupport his foreign allies: and he promiſed, if ever he returned in ſafety, to redreſs all their grievances, to reſtore the execution of the laws, and to make all his ſubjects compenſation for the loſſes which they had ſuſtained. Meanwhile he begged them to ſuſpend their animoſities; to judge of him by his future conduct, of which, he hoped, he ſhould be more maſter; to remain faithful to his government; or, if he periſhed in the preſent war, to preſerve their allegiance to his ſon and ſucceſſor.[q]

There were certainly, from the concurrence of diſcontents among the great, and grievances of the people, materials ſufficient in any other period to have kindled a civil war in England: but the vigour and abilities of Edward kept every one in awe; and his dexterity, in ſtopping on the brink of danger, and retracting the meaſures to which he had been puſhed by his violent temper and arbitrary principles, ſaved the nation from ſo great a calamity. The two great earls dared not to break out into open violence; they proceeded no farther than framing a remonſtrance, which was delivered to the king at Winchelſea, when he was ready to embark for Flanders. They there complained of the violations of the Great Charter and that of foreſts; the violent ſeizures of corn, leather, cattle, and, above all, of

wool, a commodity which they affirmed to be equal in value to half the lands of the kingdom; the arbitrary impoſition of forty ſhillings a ſack on the ſmall quantity of wool allowed to be exported by the merchants; and they claimed an immediate redreſs of all theſe grievances.[r] The king told them that the greater parts of his council were now at a diſtance, and without their advice he could not deliberate on meaſures of ſo great importance.[s]

DISSENSIONS WITH THE BARONS.

But the conſtable and mareſchal, with the barons of their party, reſolved to take advantage of Edward's abſence, and to obtain an explicit aſſent to their demands. When ſummoned to attend the parliament at London, they came with a great body of cavalry and infantry; and, before they would enter the city, required that the gates ſhould be put into their cuſtody.[t] The primate, who ſecretly favoured all their pretenſions, adviſed the council to comply; and thus they became maſters both of the young prince and of the reſolutions of parliament. Their demands, however, were moderate; and ſuch as ſufficiently juſtify the purity of their intentions in all their paſt meaſures. They only required that the two charters ſhould receive a ſolemn confirmation; that a clauſe ſhould be added to ſecure the nation for ever againſt all impoſitions and taxes without conſent of parliament; and that they themſelves, and their adherents, who had refuſed to attend the king into Flanders, ſhould be pardoned for the offence, and ſhould be again received into favour.[u] The prince of Wales and his council aſſented to theſe terms; and the charters were ſent over to the king in Flanders to be there confirmed by him. Edward felt the utmoſt reluctance to this meaſure, which he apprehended would for the future impoſe

fetters on his conduct, and ſet limits to his lawleſs authority. On various pretences he delayed three days giving any anſwer to the deputies; and, when the pernicious conſequences of his refuſal were repreſented to him, he was at laſt obliged, after many internal ſtruggles, to affix his ſeal to the charters, as alſo to the clauſe that bereaved him of the power, which he had hitherto aſſumed, of impoſing arbitrary taxes upon the people.[x]

That we may finiſh at once this intereſting tranſaction concerning the ſettlement of the charters, we ſhall briefly mention the ſubſequent events which relate to it. The conſtable and mareſchal, informed of the king's compliance, were ſatisfied; and not only ceaſed from diſturbing the government, but aſſiſted the regency with their power againſt the Scots, who had riſen in arms, and had thrown off the yoke of England.[y] But, being ſenſible that the ſmalleſt pretence would ſuffice to make Edward retract theſe deteſted laws, (which, though they had often received the ſanction both of king and parliament, and had been acknowledged during three reigns, were never yet deemed to have ſufficient validity) they inſiſted that he ſhould again confirm them on his return to England, and ſhould thereby renounce all plea which he might derive from his reſiding in a foreign country when he formerly affixed his ſeal to them.[z] It appeared that they judged aright of Edward's character and intentions. He delayed his confirmation as long as poſſible; and, when the fear of worſe conſequences obliged him again to comply, he expreſsly added a ſalvo for his royal dignity or prerogative,[a] which in effect enervated the whole force of the charters. The two earls and their adherents left the parliament in diſguſt; and the king was conſtrained, on a future occaſion, to grant to the people, without any ſubterfuge, a pure and abſolute confirmation of thoſe laws[b] which were ſo much the object of their paſſionate affection. Even farther ſecurities were then provided

for the eſtabliſhment of national privileges. Three knights were appointed to be choſen in each county, and were inveſted with the power of puniſhing, by fine and impriſonment, every tranſgreſſion or violation of the charters.[c] A precaution which, though it was ſoon diſuſed, as encroaching too much on royal prerogative, proves the attachment which the Engliſh in that age bore to liberty, and their well-grounded jealouſy of the arbitrary diſpoſition of Edward.

The work, however, was not yet entirely finiſhed and complete. In order to execute the leſſer charter, it was requiſite, by new perambulations, to ſet bounds to the royal foreſts, and to diſafforeſt all land which former encroachments had comprehended within their limits. Edward diſcovered the ſame reluctance to comply with this equitable demand; and it was not till after many delays on his part, and many ſolicitations and requeſts, and even menaces of war and violence,[d] on the part of the barons, that the perambulations were made, and exact boundaries fixed, by a jury in each county, to the extent of his foreſts.[e] Had not his ambitious and active temper raiſed him ſo many foreign enemies, and obliged him to have recourſe ſo often to the aſſiſtance of his ſubjects, it is not likely that thoſe conceſſions could ever have been extorted from him.

But, while the people, after ſo many ſucceſsful ſtruggles, deemed themſelves happy in the ſecure poſſeſſion of their privileges, they were ſurpriſed, in 1305, to find that Edward had ſecretly applied to Rome, and had procured from that mercenary court an abſolution from all the oaths and engagements, which he had ſo often reiterated, to obſerve both the charters. There are ſome hiſtorians[f] ſo credulous as to imagine that this perilous ſtep was taken by him for no other purpoſe than to acquire the merit of granting a new confirmation of the charters, as he did ſoon after; and a confirmation ſo much the more

unqueſtionable, as it could never after be invalidated by his ſucceſſors, on pretence of any force or violence which had been impoſed upon him. But, beſides that this might have been done with a better grace if he had never applied for any ſuch abſolution, the whole tenor of his conduct proves him to be little ſuſceptible of ſuch refinements in patriotiſm; and this very deed itſelf, in which he anew confirmed the charters, carries on the face of it a very oppoſite preſumption. Though he ratified the charters in general, he ſtill took advantage of the papal bull ſo far as to invalidate the late perambulations of the foreſts, which had been made with ſuch care and attention; and to reſerve to himſelf the power, in caſe of favourable incidents, to extend as much as formerly thoſe arbitrary juriſdictions. If the power was not in fact made uſe of, we can only conclude that the favourable incidents did not offer.

Thus, after the conteſts of near a whole century, and theſe ever accompanied with violent jealouſies, often with public convulſions, the Great Charter was finally eſtabliſhed; and the Engliſh nation had the honour of extorting, by their perſeverance, this conceſſion from the ableſt, the moſt warlike, and the moſt ambitious, of all their princes.[s] It is computed that above thirty confirmations of the charter were at different times required of ſeveral kings, and granted by them, in full parliament; a precaution which, while it diſcovers ſome ignorance of the true nature of law and government, proves a laudable jealouſy of national privileges in the people, and an extreme anxiety leſt contrary precedents ſhould ever be pleaded as an authority for infringing them. Accordingly we find that, though arbitrary practices often prevailed, and were even able to eſtabliſh themſelves into ſettled cuſtoms, the validity of the Great Charter was never afterwards formally diſputed; and that grant was ſtill regarded as the baſis of Engliſh government, and the ſure rule by

which the authority of every cuſtom was to be tried and canvaſſed. The juriſdiction of the ſtar chamber, martial law, impriſonment by warrants from the privy council, and other practices of a like nature, though eſtabliſhed for ſeveral centuries, were ſcarcely ever allowed by the Engliſh to be parts of their conſtitution. The affection of the nation for liberty ſtill prevailed over all precedent, and even all political reaſoning. The exerciſe of theſe powers, after being long the ſource of ſecret murmurs among the people, was, in fulneſs of time, ſolemnly aboliſhed as illegal, at leaſt as oppreſſive, by the whole legiſlative authority.

To return to the period from which this account of the charters has led us. Though the king's impatience to appear at the head of his armies in Flanders made him overlook all conſiderations, either of domeſtic diſcontents or of commotions among the Scots, his embarkation had been ſo long retarded by the various obſtructions thrown in his way, that he loſt the proper ſeaſon for action, and after his arrival made no progreſs againſt the enemy. The king of France, taking advantage of his abſence, had broken into the Low Countries; had defeated the Flemings in the battle of Furnes; had made himſelf maſter of Liſle, St. Omer, Courtrai, and Ypres; and ſeemed in a ſituation to take full vengeance on the earl of Flanders, his rebellious vaſſal. But Edward, ſeconded by an Engliſh army of fifty thouſand men (for this is the number aſſigned by hiſtorians),[h] was able to ſtop the career of his victories; and Philip, finding all the weak reſources of his kingdom already exhauſted, began to dread a reverſe of fortune, and to apprehend an invaſion on France itſelf. The king of England, on the other hand, diſappointed of aſſiſtance from Adolph king of the Romans, which he had purchaſed at a very high price, and finding many urgent calls for his preſence in England, was deſirous of ending, on any

honourable terms, a war which ſerved only to divert his force from the execution of more important projects. This diſpoſition in both monarchs ſoon produced a ceſſation of hoſtilities for two years, and engaged them to ſubmit their differences to the arbitration of pope Boniface.

PEACE WITH FRANCE. 1298.

BONIFACE was among the laſt of the ſovereign pontiffs that exerciſed an authority over the temporal juriſdiction of princes; and theſe exorbitant pretenſions, which he had been tempted to aſſume from the ſucceſsful example of his predeceſſors, but of which the ſeaſon was now paſt, involved him in ſo many calamities, and were attended with ſo unfortunate a cataſtrophe, that they have been ſecretly abandoned, though never openly relinquiſhed, by his ſucceſſors in the apoſtolic chair. Edward and Philip, equally jealous of papal claims, took care to inſert in their reference that Boniface was made judge of the difference by their conſent, as a private perſon, not by any right of his pontificate; and the pope, without ſeeming to be offended at this mortifying clauſe, proceeded to give a ſentence between them, in which they both acquieſced.[i] He brought them to agree that their union ſhould be cemented by a double marriage; that of Edward himſelf, who was now a widower, with Margaret, Philip's ſiſter, and that of the prince of Wales with Iſabella, daughter of that monarch.[k] Philip was likewiſe willing to reſtore Guienne to the Engliſh, which he had indeed no good pretence to detain; but he inſiſted that the Scots, and their king John Baliol, ſhould, as his allies, be comprehended in the treaty, and ſhould be reſtored to their liberty. The difference, after ſeveral diſputes, was compromiſed by their making mutual ſacrifices to each other. Edward agreed to abandon his ally the earl

of Flanders, on condition that Philip ſhould treat in like manner his ally the king of Scots. The proſpect of conquering theſe two countries, whoſe ſituation made them ſo commodious an acquiſition to the reſpective kingdoms, prevailed over all other conſiderations; and, though they were both finally diſappointed in their hopes, their conduct was very reconcileable to the principles of an intereſted policy. This was the firſt ſpecimen which the Scots had of the French alliance, and which was exactly conformable to what a ſmaller power muſt always expect when it blindly attaches itſelf to the will and fortunes of a greater. That unhappy people, now engaged in a brave though unequal conteſt for their liberties, were totally abandoned by the ally, in whom they repoſed their final confidence, to the will of an imperious conqueror.

REVOLT OF SCOTLAND.

THOUGH England, as well as other European countries, was, in its ancient ſtate, very ill qualified for making, and ſtill worſe for maintaining, conqueſts, Scotland was ſo much inferior in its internal force, and was ſo ill ſituated for receiving foreign ſuccours, that it is no wonder Edward, an ambitious monarch, ſhould have caſt his eye on ſo tempting an acquiſition, which brought both ſecurity and greatneſs to his native country. But the inſtruments whom he employed to maintain his dominion over the northern kingdom were not happily choſen, and acted not with the requiſite prudence and moderation in reconciling the Scottiſh nation to a yoke which they bore with ſuch extreme reluctance. Warrenne, retiring into England on account of his bad ſtate of health, left the adminiſtration entirely in the hands of Ormeſby, who was appointed juſticiary of Scotland, and Creſſingham, who bore the office of treaſurer; and a ſmall

military force remained to ſecure the precarious authority of thoſe miniſters. The latter had no other object than the amaſſing of money by rapine and injuſtice; the former diſtinguiſhed himſelf by the rigour and ſeverity of his temper; and both of them, treating the Scots as a conquered people, made them ſenſible too early of the grievous ſervitude into which they had fallen. As Edward required that all the proprietors of land ſhould ſwear fealty to him, every one who refuſed or delayed giving this teſtimony of ſubmiſſion was outlawed and impriſoned, and puniſhed without mercy; and the braveſt and moſt generous ſpirits of the nation were thus exaſperated to the higheſt degree againſt the Engliſh government.[1]

There was one William Wallace, of a ſmall fortune, but deſcended of an ancient family in the weſt of Scotland, whoſe courage prompted him to undertake, and enabled him finally to accompliſh, the deſperate attempt of delivering his native country from the dominion of foreigners. This man, whoſe valorous exploits are the object of juſt admiration, but have been much exaggerated by the traditions of his countrymen, had been provoked by the inſolence of an Engliſh officer to put him to death; and, finding himſelf obnoxious on that account to the ſeverity of the adminiſtration, he fled into the woods, and offered himſelf as a leader to all thoſe whom their crimes, or bad fortune, or avowed hatred of the Engliſh, had reduced to a like neceſſity. He was endowed with gigantic force of body, with heroic courage of mind, with diſintereſted magnanimity, with incredible patience, and ability to bear hunger, fatigue, and all the ſeverities of the ſeaſons; and he ſoon acquired, among thoſe deſperate fugitives, that authority to which his virtues ſo juſtly entitled him. Beginning with ſmall attempts, in which he was always ſucceſsful, he gradually proceeded to more momentous enterpriſes; and he diſcovered equal caution in ſecuring his followers,

and valour in annoying the enemy. By his knowledge of the country he was enabled, when purſued, to enſure a retreat among the moraſſes, or foreſts, or mountains; and, again collecting his diſperſed aſſociates, he unexpectedly appeared in another quarter, and ſurpriſed, and routed, and put to the ſword, the unwary Engliſh. Every day brought accounts of his great actions, which were received with no leſs favour by his countrymen than terror by the enemy. All thoſe who thirſted after military fame were deſirous to partake of his renown. His ſucceſsful valour ſeemed to vindicate the nation from the ignominy into which it had fallen by its tame ſubmiſſion to the Engliſh; and, though no nobleman of note ventured as yet to join his party, he had gained a general confidence and attachment, which birth and fortune are not alone able to confer.

Wallace, having, by many fortunate enterpriſes, brought the valour of his followers to correſpond to his own, reſolved to ſtrike a deciſive blow againſt the Engliſh government; and he concerted the plan of attacking Ormeſby of Scone, and of taking vengeance on him for all the violence and tyranny of which he had been guilty. The juſticiary, appriſed of his intentions, fled haſtily into England; all the other officers of that nation imitated his example; their terror added alacrity and courage to the Scots, who betook themſelves to arms in every quarter; many of the principal barons, and among the reſt ſir William Douglas,[m] openly countenanced Wallace's party; Robert Bruce ſecretly favoured and promoted the ſame cauſe; and the Scots, ſhaking off their fetters, prepared themſelves to defend, by an united effort, that liberty which they had ſo unexpectedly recovered from the hands of their oppreſſors.

But Warrenne, collecting an army of forty thouſand men in the north of England, determined to re-eſtabliſh his authority; and he endeavoured, by the celerity of his armament and of

his march, to compenſate for his paſt negligence, which had enabled the Scots to throw off the Engliſh government. He ſuddenly entered Annandale, and came up with the enemy at Irvine, before their forces were fully collected, and before they had put themſelves in a poſture of defence. Many of the Scottiſh nobles, alarmed with their dangerous ſituation, here ſubmitted to the Engliſh, renewed their oaths of fealty, promiſed to deliver hoſtages for their good behaviour, and received a pardon for paſt offences.[n] Others, who had not yet declared themſelves, ſuch as the ſteward of Scotland and the earl of Lenox, joined, though with reluctance, the Engliſh army; and waited a favourable opportunity for embracing the cauſe of their diſtreſſed countrymen. But Wallace, whoſe authority over his retainers was more fully confirmed by the abſence of the great nobles, perſevered obſtinately in his purpoſe; and, finding himſelf unable to give battle to the enemy, he marched northwards, with an intention of prolonging the war, and of turning to his advantage the ſituation of that mountainous and barren country. When Warrenne advanced to Stirling he found Wallace encamped at Cambuſkenneth, on the oppoſite banks of the Forth; and, being continually urged by the impatient Creſſingham, who was actuated both by perſonal and national animoſities againſt the Scots,[o] he prepared to attack them in that poſition, which Wallace, no leſs prudent than courageous, had choſen for his army.[p] In ſpite of the remonſtrances of ſir Richard Lundy, a Scotchman of birth and family, who ſincerely adhered to the Engliſh, he ordered his army to paſs a bridge which lay over the Forth; but he was ſoon convinced, by fatal experience, of the error of his conduct. Wallace, allowing ſuch numbers of the Engliſh to paſs as he thought proper, attacked them before they were fully formed, put them to rout, puſhed part of them into the river, deſtroyed the reſt by the edge of the ſword, and

gained a complete victory over them.[q] Among the ſlain was Creſſingham himſelf; whoſe memory was ſo extremely odious to the Scots, that they flayed his dead body, and made ſaddles and girths of his ſkin.[r] Warrenne, finding the remainder of his army much diſmayed by this misfortune, was obliged again to evacuate the kingdom, and retire into England. The caſtles of Roxborough and Berwick, ill fortified and feebly defended, fell ſoon after into the hands of the Scots.

Wallace, univerſally revered as the deliverer of his country, now received from the hands of his followers the dignity of regent or guardian under the captive Baliol; and, finding that the diſorders of war, as well as the unfavourable ſeaſons, had produced a famine in Scotland, he urged his army to march into England, to ſubſiſt at the expenſe of the enemy, and to revenge all paſt injuries by retaliating on that hoſtile nation. The Scots, who deemed every thing poſſible under ſuch a leader, joyfully attended his call. Wallace, breaking into the northern counties during the winter ſeaſon, laid every place waſte with fire and ſword; and, after extending on all ſides, without oppoſition, the fury of his ravages as far as the biſhopric of Durham, he returned, loaded with ſpoils and crowned with glory, into his own country.[s] The diſorders which at that time prevailed in England, from the refractory behaviour of the conſtable and mareſchal, made it impoſſible to collect an army ſufficient to reſiſt the enemy, and expoſed the nation to this loſs and diſhonour.

But Edward, who received in Flanders intelligence of theſe events, and had already concluded a truce with France, now haſtened over to England, in certain hopes, by his activity and valour, not only of wiping off this diſgrace, but of recovering the important conqueſt of Scotland, which he always regarded as the chief glory and advantage of his reign. He appeaſed the

murmurs of his people by conceſſions and promiſes; he reſtored to the citizens of London the election of their own magiſtrates, of which they had been bereaved in the latter part of his father's reign; he ordered ſtrict inquiry to be made concerning the corn and other goods which had been violently ſeized before his departure, as if he intended to pay the value to the owners; and, making public profeſſions of confirming and obſerving the charters, he regained the confidence of the diſcontented nobles. Having, by all theſe popular arts, rendered himſelf entirely maſter of his people, he collected the whole military force of England, Wales, and Ireland, and marched with an army of near a hundred thouſand combatants to the northern frontiers.

Nothing could have enabled the Scots to reſiſt but for one ſeaſon ſo mighty a power, except an entire union among themſelves: but, as they were deprived of their king; whoſe perſonal qualities, even when he was preſent, appeared ſo contemptible, and had left among his ſubjects no principle of attachment to him or his family; factions, jealouſies, and animoſities, unavoidably aroſe among the great, and diſtracted all their councils. The elevation of Wallace, though purchaſed by ſo great merit and ſuch eminent ſervices, was the object of envy to the nobility, who repined to ſee a private gentleman raiſed above them by his rank, and ſtill more by his glory and reputation. Wallace himſelf, ſenſible of their jealouſy, and dreading the ruin of his country from thoſe inteſtine diſcords, voluntarily reſigned his authority, and retained only the command over that body of his followers who, being accuſtomed to victory under his ſtandard, refuſed to follow into the field any other leader. The chief power devolved on the ſteward of Scotland and Cummin of Badenoch; men of eminent birth, under whom the great chieftains were more willing to ſerve in defence of their country.

The two Scottiſh commanders, collecting their ſeveral forces from every quarter, fixed their ſtation at Falkirk, and purpoſed there to abide the aſſault of the Engliſh. Wallace was at the head of a third body, which acted under his command. The Scottiſh army placed their pikemen along their front; lined the intervals between the three bodies with archers; and, dreading the great ſuperiority of the Engliſh in cavalry, endeavoured to ſecure their front by palliſadoes, tied together by ropes.[u] In this diſpoſition they expected the approach of the enemy.

BATTLE OF FALKIRK: SCOTLAND SUBDUED.

THE king, when he arrived in ſight of the Scots, was pleaſed with the proſpect of being able, by one deciſive ſtroke, to determine the fortune of the war; and, dividing his army alſo into three bodies, he led them to the attack. The Engliſh archers, who began about this time to ſurpaſs thoſe of other nations, firſt chaſed the Scottiſh bowmen off the field; then, pouring in their arrows among the pikemen, who were cooped up within their entrenchments, threw them into diſorder, and rendered the aſſault of the Engliſh pikemen and cavalry more eaſy and ſucceſsful. The whole Scottiſh army was broken, and chaſed off the field with great ſlaughter; which the hiſtorians, attending more to the exaggerated relations of the populace than to the probability of things, make amount to fifty or ſixty thouſand men.[x] It is only certain that the Scots never ſuffered a greater loſs in any action, nor one which ſeemed to threaten more inevitable ruin to their country.

In this general rout of the army Wallace's military ſkill and preſence of mind enabled him to keep his troops entire; and, retiring behind the Carron, he marched leiſurely along the banks of that ſmall river, which protected him from the enemy. Young

Bruce, who had already given many proofs of his aſpiring genius, but who ſerved hitherto in the Engliſh army, appeared on the oppoſite banks; and, diſtinguiſhing the Scottiſh chief, as well by his majeſtic port as by the intrepid activity of his behaviour, called out to him, and deſired a ſhort conference. He here repreſented to Wallace the fruitleſs and ruinous enterpriſe in which he was engaged; and endeavoured to bend his inflexible ſpirit to ſubmiſſion under ſuperior power and ſuperior fortune. He inſiſted on the unequal conteſt between a weak ſtate, deprived of its head and agitated by inteſtine diſcord, and a mighty nation, conducted by the ableſt and moſt martial monarch of the age, and poſſeſſed of every reſource either for protracting the war or for puſhing it with vigour and activity. If the love of his country were his motive for perſeverance, his obſtinacy tended only to prolong her miſery; if he carried his views to private grandeur and ambition, he might reflect that, even if Edward ſhould withdraw his armies, it appeared, from paſt experience, that ſo many haughty nobles, proud of the pre-eminence of their families, would never ſubmit to perſonal merit, whoſe ſuperiority they were leſs inclined to regard as an object of admiration than as a reproach and injury to themſelves. To theſe exhortations Wallace replied that, if he had hitherto acted alone as the champion of his country, it was ſolely becauſe no ſecond or competitor, or (what he rather wiſhed) no leader, had yet appeared to place himſelf in that honourable ſtation; that the blame lay entirely on the nobility, and chiefly on Bruce himſelf, who, uniting perſonal merit to dignity of family, had deſerted the poſt which both nature and fortune, by ſuch powerful calls, invited him to aſſume; that the Scots, poſſeſſed of ſuch a head, would, by their unanimity and concord, have ſurmounted the chief difficulty under which they now laboured, and might hope, notwithſtanding their preſent loſſes, to oppoſe ſucceſsfully

all the powers and abilities of Edward; that Heaven itſelf could not ſet a more glorious prize before the eyes either of virtue or ambition, than to join in one object the acquiſition of royalty with the defence of national independence; and that, as the intereſts of his country, more than thoſe of a brave man, could never be ſincerely cultivated by a ſacrifice of liberty, he himſelf was determined, as far as poſſible, to prolong not her miſery but her freedom, and was deſirous that his own life, as well as the exiſtence of the nation, might terminate, when they could no otherwiſe be preſerved than by receiving the chains of a haughty victor. The gallantry of theſe ſentiments, though delivered by an armed enemy, ſtruck the generous mind of Bruce; the flame was conveyed from the breaſt of one hero to that of another; he repented of his engagements with Edward, and, opening his eyes to the honourable path pointed out to him by Wallace, ſecretly determined to ſeize the firſt opportunity of embracing the cauſe, however deſperate, of his oppreſſed country.[y]

The ſubjection of Scotland, notwithſtanding this great victory of Edward, was not yet entirely completed. The Engliſh army, after reducing the ſouthern provinces, was obliged to retire for want of proviſions, and left the northern counties in the hands of the natives. The Scots, no leſs enraged at their preſent defeat than elated by their paſt victories, ſtill maintained the conteſt for liberty; but, being fully ſenſible of the great inferiority of their force, they endeavoured, by applications to foreign courts, to procure to themſelves ſome aſſiſtance. The ſupplications of the Scottiſh miniſters were rejected by Philip, but were more ſucceſsful with the court of Rome. Boniface, pleaſed with an occaſion of exerting his authority, wrote a letter to Edward, exhorting him to put a ſtop to his oppreſſions in Scotland, and diſplaying all the proofs, ſuch as they had probably been furniſhed him by the Scots themſelves, for the ancient indepen-

dence of that kingdom.[z] Among other arguments, hinted at above, he mentioned the treaty, conducted and finiſhed by Edward himſelf, for the marriage of his ſon with the heireſs of Scotland; a treaty which would have been abſurd, had he been ſuperior lord of the kingdom, and had poſſeſſed, by the feudal law, the right of diſpoſing of his ward in marriage. He mentioned ſeveral other ſtriking facts, which fell within the compaſs of Edward's own knowledge; particularly that Alexander, when he did homage to the king, openly and expreſsly declared, in his preſence, that he ſwore fealty not for his crown, but for the lands which he held in England. And the pope's letter might have paſſed for a reaſonable one, had he not ſubjoined his own claim to be liege lord of Scotland; a claim which had not once been heard of; but which, with a ſingular confidence, he aſſerted to be full, entire, and derived from the moſt remote antiquity. The affirmative ſtyle, which had been ſo ſucceſsful with him and his predeceſſors in ſpiritual conteſts, was never before abuſed after a more egregious manner in any civil controverſy.

The reply, which Edward made to Boniface's letter, contains particulars no leſs ſingular and remarkable.[a] He there proves the ſuperiority of England by hiſtorical facts, deduced from the period of Brutus the Trojan, who, he ſaid, founded the Britiſh monarchy in the age of Eli and Samuel. He ſupports his poſition by all the events which paſſed in the iſland before the arrival of the Romans; and, after laying great ſtreſs on the extenſive dominions and heroic victories of king Arthur, he vouchſafes at laſt to deſcend to the time of Edward the elder, with which, in his ſpeech to the ſtates of Scotland, he had choſen to begin his claim of ſuperiority. He aſſerts it to be a fact, 'notorious and confirmed by the records of antiquity,' that the Engliſh monarchs had often conferred the kingdom of Scotland on

their own ſubjects; had dethroned theſe vaſſal kings when unfaithful to them, and had ſubſtituted others in their ſtead. He diſplays with great pomp the full and complete homage which William had done to Henry II, without mentioning the formal abolition of that extorted deed by king Richard, and the renunciation of all future claims of the ſame nature. Yet this paper he begins with a ſolemn appeal to the Almighty, the ſearcher of hearts, for his own firm perſuaſion of the juſtice of his claim; and no leſs than a hundred and four barons, aſſembled in parliament at Lincoln, concur in maintaining before the pope, under their ſeals, the validity of theſe pretenſions.[b] At the ſame time, however, they take care to inform Boniface that, though they had juſtified their cauſe before him, they did not acknowledge him for their judge; they had ſworn to maintain all its royal prerogatives, and would never permit the king himſelf, were he willing, to relinquiſh its independence.

SCOTLAND AGAIN REVOLTS, AND IS SUBDUED. 1302.

THAT neglect, almoſt total, of truth and juſtice, which ſovereign ſtates diſcover in their tranſactions with each other, is an evil univerſal and inveterate; is one great ſource of the miſery to which the human race is continually expoſed; and it may be doubted whether, in many inſtances, it be found in the end to contribute to the intereſts of thoſe princes themſelves who thus ſacrifice their integrity to their politics. As few monarchs have lain under ſtronger temptations to violate the principles of equity than Edward in his tranſactions with Scotland, ſo never were they violated with leſs ſcruple and reſerve; yet his advantages were hitherto precarious and uncertain; and the Scots, once rouſed to arms and inured to war, began to appear a formidable enemy, even to this military and ambitious monarch. They choſe

John Cummin for their regent; and, not content with maintaining their independence in the northern parts, they made incurſions into the ſouthern counties, which Edward imagined he had totally ſubdued. John de Segrave, whom he had left guardian of Scotland, led an army to oppoſe them; and, lying at Roſlin, near Edinburgh, ſent out his forces, in three diviſions, to provide themſelves with forage and ſubſiſtence from the neighbourhood. One party was ſuddenly attacked by the regent and ſir Simon Fraſer; and, being unprepared, was immediately routed and purſued with great ſlaughter. The few that eſcaped, flying to the ſecond diviſion, gave warning of the approach of the enemy; the ſoldiers ran to their arms, and were immediately led on to take revenge for the death of their countrymen. The Scots, elated with the advantage already obtained, made a vigorous impreſſion upon them; the Engliſh, animated with a thirſt of vengeance, maintained a ſtout reſiſtance. The victory was long undecided between them; but at laſt declared itſelf entirely in favour of the former, who broke the Engliſh, and chaſed them to the third diviſion, now advancing with a haſty march to ſupport their diſtreſſed companions. Many of the Scots had fallen in the two firſt actions, moſt of them were wounded, and all of them extremely fatigued by the long continuance of the combat; yet were they ſo tranſported with ſucceſs and military rage, that, having ſuddenly recovered their order, and arming the followers of their camp with the ſpoils of the ſlaughtered enemy, they drove with fury upon the ranks of the diſmayed Engliſh. The favourable moment decided the battle; which the Scots, had they met with a ſteady reſiſtance, were not long able to maintain. The Engliſh were chaſed off the field. Three victories were thus gained in one day.[c] And the renown of theſe great exploits, ſeconded by the favourable diſpoſitions of the people, ſoon made the regent maſter of all the fortreſſes in the ſouth;

and it became neceſſary for Edward to begin anew the conqueſt of the kingdom.

The king prepared himſelf for this enterpriſe with his uſual vigour and abilities. He aſſembled both a great fleet and a great army; and, entering the frontiers of Scotland, appeared with a force which the enemy could not think of reſiſting in the open field. The Engliſh navy, which ſailed along the coaſt, ſecured the army from any danger of famine; Edward's vigilance preſerved it from ſurpriſes: and by this prudent diſpoſition they marched victorious from one extremity of the kingdom to the other, ravaging the open country, reducing all the caſtles,[d] and receiving the ſubmiſſions of all the nobility, even thoſe of Cummin the regent. The moſt obſtinate reſiſtance was made by the caſtle of Brechin, defended by ſir Thomas Maule; and the place opened not its gates till the death of the governor, by diſcouraging the garriſon, obliged them to ſubmit to the fate which had overwhelmed the reſt of the kingdom. Wallace, though he attended the Engliſh army in their march, found but few opportunities of ſignalizing that valour which had formerly made him ſo terrible to his enemies.

Edward, having completed his conqueſt, which employed him during the ſpace of near two years, now undertook the more difficult work of ſettling the country, of eſtabliſhing a new form of government, and of making his acquiſition durable to the crown of England. He ſeems to have carried matters to extremity againſt the natives; he abrogated all the Scottiſh laws and cuſtoms;[e] he endeavoured to ſubſtitute the Engliſh in their place; he entirely raſed or deſtroyed all the monuments of antiquity; ſuch records or hiſtories as had eſcaped his former ſearch were now burnt or diſperſed; and he haſtened, by too precipitate ſteps, to aboliſh entirely the Scottiſh name, and to ſink it finally in the Engliſh.

Edward, however, ſtill deemed his favourite conqueſt expoſed to ſome danger ſo long as Wallace was alive; and, being prompted both by revenge and policy, he employed every art to diſcover his retreat, and become maſter of his perſon. At laſt that hardy warrior, who was determined, amidſt the univerſal ſlavery of his countrymen, ſtill to maintain his independency, was betrayed into Edward's hands by ſir John Monteith, his friend, whom he had made acquainted with the place of his concealment. The king, whoſe natural bravery and magnanimity ſhould have induced him to reſpect like qualities in an enemy, enraged at ſome acts of violence committed by Wallace during the fury of war, reſolved to overawe the Scots by an example of ſeverity. He ordered Wallace to be carried in chains to London; to be tried as a rebel and traitor, though he had never made ſubmiſſions, or ſworn fealty, to England; and to be executed on Tower-hill. This was the unworthy fate of a hero, who, through a courſe of many years, had, with ſignal conduct, intrepidity, and perſeverance, defended, againſt a public and oppreſſive enemy, the liberties of his native country.

But the barbarous policy of Edward failed of the purpoſe to which it was directed. The Scots, already diſguſted at the great innovations introduced by the ſword of a conqueror into their laws and government, were farther enraged at the injuſtice and cruelty exerciſed upon Wallace; and, all the envy, which during his life-time had attended that gallant chief, being now buried in his grave, he was univerſally regarded as the champion of Scotland, and the patron of her expiring independency. The people, inflamed with reſentment, were every where diſpoſed to riſe againſt the Engliſh government; and it was not long ere a new and more fortunate leader preſented himſelf, who conducted them to liberty, to victory, and to vengeance.

ROBERT BRUCE. 1306.

ROBERT Bruce, grandſon of that Robert who had been one of the competitors for the crown, had ſucceeded, by his grandfather's and father's death, to all their rights; and the demiſe of John Baliol, together with the captivity of Edward, eldeſt ſon of that prince, ſeemed to open a full career to the genius and ambition of this young nobleman. He ſaw that the Scots, when the title to their crown had expired in the males of their ancient royal family, had been divided into parties nearly equal between the houſes of Bruce and Baliol; and that every incident, which had ſince happened, had tended to wean them from any attachment to the latter. The ſlender capacity of John had proved unable to defend them againſt their enemies; he had meanly reſigned his crown into the hands of the conqueror; he had, before his deliverance from captivity, reiterated that reſignation in a manner ſeemingly voluntary; and had in that deed thrown out many reflexions extremely diſhonourable to his ancient ſubjects, whom he publicly called traitors, ruffians, and rebels, and with whom he declared he was determined to maintain no farther correſpondence;[f] he had, during the time of his exile, adhered ſtrictly to that reſolution; and his ſon, being a priſoner, ſeemed ill qualified to revive the rights, now fully abandoned, of his family. Bruce, therefore, hoped that the Scots, ſo long expoſed, from the want of a leader, to the oppreſſions of their enemies, would unanimouſly fly to his ſtandard, and would ſeat him on the vacant throne, to which he brought ſuch plauſible pretenſions. His aſpiring ſpirit, inflamed by the fervour of youth, and buoyed up by his natural courage, ſaw the glory alone of the enterpriſe, or regarded the prodigious difficulties which attended it as the ſource only of farther glory. The mi-

ſeries and oppreſſions which he had beheld his countrymen ſuffer in their unequal conteſt, the repeated defeats and misfortunes which they had undergone, proved to him ſo many incentives to bring them relief, and conduct them to vengeance againſt the haughty victor. The circumſtances which attended Bruce's firſt declaration are variouſly related; but we ſhall rather follow the account given by the Scottiſh hiſtorians; not that their authority is in general anywiſe comparable to that of the Engliſh, but becauſe they may be ſuppoſed ſometimes better informed concerning facts which ſo nearly intereſted their own nation.

Bruce, who had long harboured in his breaſt the deſign of freeing his enſlaved country, ventured at laſt to open his mind to John Cummin, a powerful nobleman, with whom he lived in ſtrict intimacy. He found his friend, as he imagined, fully poſſeſſed with the ſame ſentiments; and he needed to employ no arts of perſuaſion to make him embrace the reſolution of throwing off, on the firſt favourable opportunity, the uſurped dominion of the Engliſh. But on the departure of Bruce, who attended Edward to London, Cummin, who either had all along diſſembled with him, or began to reflect more coolly in his abſence on the deſperate nature of his undertaking, reſolved to atone for his crime, in aſſenting to this rebellion, by the merit of revealing the ſecret to the king of England. Edward did not immediately commit Bruce to cuſtody; becauſe he intended at the ſame time to ſeize his three brothers, who reſided in Scotland; and he contented himſelf with ſecretly ſetting ſpies upon him, and ordering all his motions to be ſtrictly watched. A nobleman of Edward's court, Bruce's intimate friend, was apprized of his danger; but, not daring, amidſt ſo many jealous eyes, to hold any converſation with him, he fell on an expedient to give him warning that it was full time he ſhould make his

eſcape. He ſent him by his ſervant a pair of gilt ſpurs, and a purſe of gold, which he pretended to have borrowed from him; and left it to the ſagacity of his friend to diſcover the meaning of the preſent. Bruce immediately contrived the means of his eſcape; and, as the ground was at that time covered with ſnow, he had the precaution, it is ſaid, to order his horſes to be ſhod with their ſhoes inverted, that he might deceive thoſe who ſhould track his path over the open fields or croſs roads through which he purpoſed to travel. He arrived in a few days at Dumfries in Annandale, the chief ſeat of his family intereſt; and he happily found a great number of the Scottiſh nobility there aſſembled; and, among the reſt, John Cummin, his former aſſociate.

The noblemen were aſtoniſhed at the appearance of Bruce among them; and ſtill more when he diſcovered to them the object of his journey. He told them that he was come to live or die with them in defence of the liberties of his country; and hoped, with their aſſiſtance, to redeem the Scottiſh name from all the indignities which it had ſo long ſuffered from the tyranny of their imperious maſters: that the ſacrifice of the rights of his family was the firſt injury which had prepared the way for their enſuing ſlavery; and, by reſuming them, which was his firm purpoſe, he opened to them the joyful proſpect of recovering from the fraudulent uſurper their ancient and hereditary independence: that all paſt misfortunes had proceeded from their diſunion; and they would ſoon appear no leſs formidable than of old to their enemies, if they now deigned to follow into the field their rightful prince, who knew no medium between death and victory: that their mountains, and their valour, which had, during ſo many ages, protected their liberty from all the efforts of the Roman empire, would ſtill be ſufficient, were they worthy of their generous anceſtors, to defend them againſt the utmoſt

violence of the Engliſh tyrant: that it was unbecoming men, born to the moſt ancient independence known in Europe, to ſubmit to the will of any maſters; but fatal to receive thoſe who, being irritated by ſuch perſevering reſiſtance, and inflamed with the higheſt animoſity, would never deem themſelves ſecure in their uſurped dominion, but by exterminating all the ancient nobility, and even all the ancient inhabitants: and that, being reduced to this deſperate extremity, it were better for them at once to periſh, like brave men, with ſwords in their hands, than to dread long, and at laſt undergo, the fate of the unfortunate Wallace, whoſe merits, in the brave and obſtinate defence of his country, were finally rewarded by the hands of an Engliſh executioner.

The ſpirit with which this diſcourſe was delivered, the bold ſentiments which it conveyed, the novelty of Bruce's declaration, aſſiſted by the graces of his youth and manly deportment, made deep impreſſion on the minds of his audience, and rouſed all thoſe principles of indignation and revenge with which they had long been ſecretly actuated. The Scottiſh nobles declared their unanimous reſolution to uſe the utmoſt efforts in delivering their country from bondage, and to ſecond the courage of Bruce in aſſerting his and their undoubted rights againſt their common oppreſſors. Cummin alone, who had ſecretly taken his meaſures with the king, oppoſed this general determination; and, by repreſenting the great power of England, governed by a prince of ſuch uncommon vigour and abilities, he endeavoured to ſet before them the certain deſtruction which they muſt expect if they again violated their oaths of fealty, and ſhook off their allegiance to the victorious Edward.[5] Bruce, already appriſed of his treachery, and foreſeeing the certain failure of all his own ſchemes of ambition and glory from the oppoſition of ſo potent a leader, took immediately his reſolution; and, moved partly by

reſentment, partly by policy, followed Cummin on the diſſolution of the aſſembly, attacked him in the cloiſters of the Grey Friars, through which he paſſed, and, running him through the body, left him for dead. Sir Thomas Kirkpatric, one of Bruce's friends, aſking him ſoon after if the traitor was ſlain; 'I believe ſo,' replied Bruce. 'And is that a matter,' cried Kirkpatric, 'to be left to conjecture? I will ſecure him.' Upon which he drew his dagger, ran to Cummin, and ſtabbed him to the heart. This deed of Bruce and his aſſociates, which contains circumſtances juſtly condemned by our preſent manners, was regarded in that age as an effort of manly vigour and juſt policy. The family of Kirkpatric took for the creſt of their arms, which they ſtill wear, a hand with a bloody dagger; and choſe for their motto theſe words, 'I will ſecure him;' the expreſſion employed by their anceſtor when he executed that violent action.

THIRD REVOLT OF SCOTLAND.

THE murder of Cummin affixed the ſeal to the conſpiracy of the Scottiſh nobles; they had now no reſource left but to ſhake off the yoke of England, or to periſh in the attempt; the genius of the nation rouſed itſelf from its preſent dejection; and Bruce, flying to different quarters, excited his partiſans to arms, attacked with ſucceſs the diſperſed bodies of the Engliſh, got poſſeſſion of many of the caſtles, and, having made his authority be acknowledged in moſt parts of the kingdom, was ſolemnly crowned and inaugurated in the abbey of Scone by the biſhop of St. Andrew's, who had zealouſly embraced his cauſe. The Engliſh were again chaſed out of the kingdom, except ſuch as took ſhelter in the fortreſſes that ſtill remained in their hands; and Edward found that the Scots, twice conquered in his reign, and often defeated, muſt yet be anew ſubdued.

DEATH AND CHARACTER OF THE KING. 1307.

Not diſcouraged with theſe unexpected difficulties, he ſent Aymer de Valence with a conſiderable force into Scotland, to check the progreſs of the malcontents; and that nobleman, falling unexpectedly upon Bruce at Methven in Perthſhire, threw his army into ſuch diſorder as ended in a total defeat.[h] Bruce fought with the moſt heroic courage; was thrice diſmounted in the action, and as often recovered himſelf; but was at laſt obliged to yield to ſuperior fortune, and take ſhelter, with a few followers, in the weſtern iſles. The earl of Athole, ſir Simon Fraſer, and ſir Chriſtopher Seton, who had been taken priſoners, were ordered by Edward to be executed as rebels and traitors.[i] Many other acts of rigour were exerciſed by him: and that prince, vowing revenge againſt the whole Scottiſh nation, whom he deemed incorrigible in their averſion to his government, aſſembled a great army, and was preparing to enter the frontiers, ſecure of ſucceſs, and determined to make the defenceleſs Scots the victims of his ſeverity; when he unexpectedly ſickened and died near Carliſle; enjoining with his laſt breath his ſon and ſucceſſor to proſecute the enterpriſe, and never to deſiſt till he had finally ſubdued the kingdom of Scotland. He expired in the ſixty-ninth year of his age, and the thirty-fifth of his reign, hated by his neighbours, but extremely reſpected and revered by his own ſubjects.

The enterpriſes finiſhed by this prince, and the projects which he formed and brought near to a concluſion, were more prudent, more regularly conducted, and more advantageous to the ſolid intereſts of his kingdom, than thoſe which were undertaken in any reign, either of his anceſtors or his ſucceſſors. He

reſtored authority to the government, diſordered by the weakneſs of his father; he maintained the laws againſt all the efforts of his turbulent barons; he fully annexed to his crown the principality of Wales; he took many wiſe and vigorous meaſures for reducing Scotland to a like condition; and, though the equity of this latter enterpriſe may reaſonably be queſtioned, the circumſtances of the two kingdoms promiſed ſuch certain ſucceſs, and the advantage was ſo viſible of uniting the whole iſland under one head, that thoſe, who give great indulgence to reaſons of ſtate in the meaſures of princes, will not be apt to regard this part of his conduct with much ſeverity. But Edward, however exceptionable his character may appear on the head of juſtice, is the model of a politic and warlike king. He poſſeſſed induſtry, penetration, courage, vigilance, and enterpriſe; he was frugal in all expenſes that were not neceſſary; he knew how to open the public treaſures on a proper occaſion; he puniſhed criminals with ſeverity; he was gracious and affable to his ſervants and courtiers; and, being of a majeſtic figure, expert in all military exerciſes, and in the main well proportioned in his limbs, notwithſtanding the great length and the ſmallneſs of his legs, he was as well qualified to captivate the populace by his exterior appearance as to gain the approbation of men of ſenſe by his more ſolid virtues.

MISCELLANEOUS TRANSACTIONS.

But the chief advantage which the people of England reaped, and ſtill continue to reap, from the reign of this great prince, was the correction, extenſion, amendment, and eſtabliſhment, of the laws, which Edward maintained in great vigour, and left much improved to poſterity; for the acts of a wiſe legiſlator

commonly remain, while the acquiſitions of a conqueror often periſh with him. This merit has juſtly gained to Edward the appellation of the Engliſh Juſtinian. Not only the numerous ſtatutes paſſed in his reign touch the chief points of juriſprudence; and, according to ſir Edward Coke,[k] truly deſerve the name of eſtabliſhments, becauſe they were more conſtant, ſtanding, and durable, laws than any made ſince; but the regular order maintained in his adminiſtration gave an opportunity to the common law to refine itſelf, and brought the judges to a certainty in their determinations, and the lawyers to a preciſion in their pleadings. Sir Matthew Hale has remarked the ſudden improvement of Engliſh law during this reign; and ventures to aſſert that till his own time it had never received any conſiderable increaſe.[l] Edward ſettled the juriſdiction of the ſeveral courts; firſt eſtabliſhed the office of juſtice of peace; abſtained from the practice, too common before him, of interrupting juſtice by mandates from the privy council;[m] repreſſed robberies and diſorders;[n] encouraged trade, by giving merchants an eaſy method of recovering their debts;[o] and, in ſhort, introduced a new face of things by the vigour and wiſdom of his adminiſtration. As law began now to be well eſtabliſhed, the abuſe of that bleſſing began alſo to be remarked. Inſtead of their former aſſociations for robbery and violence, men entered into formal combinations to ſupport each other in law ſuits; and it was found requiſite to check this iniquity by act of parliament.[p]

There happened in this reign a conſiderable alteration in the execution of the laws. The king aboliſhed the office of chief juſticiary, which he thought poſſeſſed too much power, and was dangerous to the crown.[q] He completed the diviſion of the court of exchequer into four diſtinct courts, which managed each its ſeveral branch, without dependance on any one magiſtrate; and,

as the lawyers afterwards invented a method, by means of their fictions, of carrying buſineſs from one court to another, the ſeveral courts became rivals and checks to each other; a circumſtance which tended much to improve the practice of the law in England.

But, though Edward appeared thus throughout his whole reign a friend to law and juſtice, it cannot be ſaid that he was an enemy to arbitrary power; and, in a government more regular and legal than was that of England in his age, ſuch practices as thoſe which may be remarked in his adminiſtration would have given ſufficient ground of complaint, and ſometimes were, even in his age, the object of general diſpleaſure. The violent plunder and baniſhment of the Jews; the putting of the whole clergy at once, and by an arbitrary edict, out of the protection of law; the ſeizing of all the wool and leather of the kingdom; the heightening of the impoſitions on the former valuable commodity; the new and illegal commiſſion of Trailbaſton; the taking of all the money and plate of monaſteries and churches, even before he had any quarrel with the clergy; the ſubjecting of every man poſſeſſed of twenty pounds a year to military ſervice, though not bound to it by his tenure; his viſible reluctance to confirm the Great Charter, as if that conceſſion had no validity from the deeds of his predeceſſors; the captious clauſe which he at laſt annexed to his confirmation; his procuring of the pope's diſpenſation from the oaths which he had taken to obſerve that charter; and his levying of tallages at diſcretion, even after the ſtatute, or rather charter, by which he had renounced that prerogative; theſe are ſo many demonſtrations of his arbitrary diſpoſition, and prove with what exception and reſerve we ought to celebrate his love of juſtice. He took care that his ſubjects ſhould do juſtice to each other; but he deſired always to have his own hands free

in all his tranſactions, both with them and with his neighbours.

The chief obſtacle to the execution of juſtice in thoſe times was the power of the great barons; and Edward was perfectly qualified, by his character and abilities, for keeping theſe tyrants in awe, and reſtraining their illegal practices. This ſalutary purpoſe was accordingly the great object of his attention; yet was he imprudently led into a meaſure which tended to increaſe and confirm their dangerous authority. He paſſed a ſtatute which, by allowing them to entail their eſtates, made it impracticable to diminiſh the property of the great families, and left them every means of increaſe and acquiſition.[r]

Edward obſerved a contrary policy with regard to the church. He ſeems to have been the firſt Chriſtian prince that paſſed a ſtatute of mortmain; and prevented by law the clergy from making new acquiſitions of lands, which by the eccleſiaſtical canons they were for ever prohibited from alienating. The oppoſition between his maxims, with regard to the nobility and to the eccleſiaſtics, leads us to conjecture that it was only by chance he paſſed the beneficial ſtatute of mortmain; and that his ſole object was to maintain the number of knights' fees, and to prevent the ſuperiors from being defrauded of the profits of wardſhip, marriage, livery, and other emoluments ariſing from the feudal tenures. This is indeed the reaſon aſſigned in the ſtatute itſelf, and appears to have been his real object in enacting it. The author of the annals of Waverly aſcribes this act chiefly to the king's anxiety for maintaining the military force of the kingdom; but adds that he was miſtaken in his purpoſe; for that the Amalekites were overcome more by the prayers of Moſes than by the ſword of the Iſraelites.[s] The ſtatute of mortmain was often evaded afterwards by the invention of uſes.

Edward was active in reſtraining the uſurpations of the church; and, excepting his ardour for cruſades, which adhered to him during his whole life, ſeems in other reſpects to have been little infected with ſuperſtition, the vice chiefly of weak minds. But the paſſion for cruſades was really in that age the paſſion for glory. As the pope now felt himſelf ſomewhat more reſtrained in his former practice of pillaging the ſeveral churches in Europe, by laying impoſitions upon them, he permitted the generals of particular orders, who reſided at Rome, to levy taxes on the convents ſubjected to their juriſdiction; and Edward was obliged to enact a law againſt this new abuſe. It was alſo become a practice of the court of Rome to provide ſucceſſors to benefices before they became vacant: Edward found it likewiſe neceſſary to prevent by law this ſpecies of injuſtice.

The tribute of one thouſand marks a year, to which king John, in doing homage to the pope, had ſubjected the kingdom, had been pretty regularly paid ſince his time, though the vaſſalage was conſtantly denied; and, indeed, for fear of giving offence, had been but little inſiſted on. The payment was called by a new name of 'cenſus,' not by that of tribute. King Edward ſeems to have always paid this money with great reluctance; and he ſuffered the arrears at one time to run on for ſix years,[t] at another for eleven.[u] But, as princes in that age ſtood continually in need of the pope's good offices, for diſpenſations of marriage and for other conceſſions, the court of Rome always found means, ſooner or later, to catch the money. The levying of firſt-fruits was alſo a new device begun in this reign, by which his holineſs thruſt his fingers very frequently into the purſes of the faithful; and the king ſeems to have unwarily given way to it.

In the former reign the taxes had been partly ſcutages, partly ſuch a proportional part of the moveables as was

granted by parliament: in this ſcutages were entirely dropped, and the aſſeſſment on moveables was the chief method of taxation. Edward in his fourth year had a fifteenth granted him; in his fifth year a twelfth; in his eleventh year a thirtieth from the laity, a twentieth from the clergy; in his eighteenth year a fifteenth; in his twenty-ſecond year a tenth from the laity, a ſixth from London and other corporate towns, half of their beneficcs from the clergy; in his twenty-third year an eleventh from the barons and others, a tenth from the clergy, a ſeventh from the burgeſſes; in his twenty-fourth year a twelfth from the barons and others, an eighth from the burgeſſes, from the clergy nothing, becauſe of the pope's inhibition; in his twenty-fifth year an eighth from the laity, a tenth from the clergy of Canterbury, a fifth from thoſe of York; in his twenty-ninth year a fifteenth from the laity, on account of his confirming the perambulations of the foreſts, the clergy granted nothing; in his thirty-third year, firſt a thirtieth from the barons and others, and a twentieth from the burgeſſes, then a fifteenth from all his ſubjects; in his thirty-fourth year a thirtieth from all his ſubjects for knighting his eldeſt ſon.

Theſe taxes were moderate: but the king had alſo duties upon exportation and importation granted him from time to time; the heavieſt were commonly upon wool. Poundage, or a ſhilling a pound, was not regularly granted the kings for life till the reign of Henry V.

In 1296 the famous mercantile ſociety, called the 'Merchant Adventurers,' had its firſt origin. It was inſtituted for the improvement of the woollen manufacture, and the vending of the cloth abroad, particularly at Antwerp;* for the Engliſh at this time ſcarcely thought of any more diſtant commerce.

This king granted a charter or declaration of protection and privileges to foreign merchants, and alſo aſcertained the cuſtoms or duties which thoſe merchants were in return to pay on merchandiſe imported and exported. He promiſed them ſecurity; allowed them a jury on trials, conſiſting half of natives, half of foreigners; and appointed them a juſticiary in London for their protection. But, notwithſtanding this ſeeming attention to foreign merchants, Edward did not free them from the cruel hardſhip of making one anſwerable for the debts, and even for the crimes, of another that came from the ſame country.[y] We read of ſuch practices among the preſent barbarous nations. The king alſo impoſed on them a duty of two ſhillings on each tun of wine imported, over and above the old duty; and forty pence on each ſack of wool exported, beſides half a mark the former duty.[z]

In the year 1303 the exchequer was robbed, and of no leſs a ſum than one hundred thouſand pounds, as is pretended.[a] The abbot and monks of Weſtminſter were indicted for this robbery, but acquitted. It does not appear that the king ever diſcovered the criminals with certainty; though his indignation fell on the ſociety of Lombard merchants, particularly the Freſcobaldi, very opulent Florentines.

The pope having in 1307 collected much money in England, the king enjoined the nuncio not to export it in ſpecie, but in bills of exchange.[b] A proof that commerce was but ill underſtood at that time.

Edward had by his firſt wife, Eleanor of Caſtile, four ſons; but Edward, his heir and ſucceſſor, was the only one that ſurvived him. She alſo bore him eleven daughters, moſt of whom died in their infancy. Of the ſurviving, Joan was married firſt to the earl of Gloceſter, and after his death to Ralph de Monthermer; Margaret eſpouſed John duke of Brabant; Elizabeth

eſpouſed firſt John earl of Holland, and afterwards the earl of Hereford; Mary was a nun at Ambreſbury. He had by his ſecond wife, Margaret of France, two ſons and a daughter; Thomas, created earl of Norfolk and mareſchal of England; and Edmond, who was created earl of Kent by his brother when king. The princeſs died in her infancy.

END OF THE FIRST VOLUME.

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